

Page 1 of 5

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.: 2010-1300-AIR-E TCEQ ID: RN102457520 CASE NO.: 40180**  
**RESPONDENT NAME: TOTAL PETROCHEMICALS USA, INC.**

|   |  |   |
|---|--|---|
| <b>ORDER TYPE:</b>  |  |   |
| <input checked="" type="checkbox"/> <b>1660 AGREED ORDER</b>  | <input type="checkbox"/> <b>FINDINGS AGREED ORDER</b>              | <input type="checkbox"/> <b>FINDINGS ORDER FOLLOWING SOAH HEARING</b>       |
| <input type="checkbox"/> <b>FINDINGS DEFAULT ORDER</b>  | <input type="checkbox"/> <b>SHUTDOWN ORDER</b>                     | <input type="checkbox"/> <b>IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER</b> |
| <input type="checkbox"/> <b>AMENDED ORDER</b>   | <input type="checkbox"/> <b>EMERGENCY ORDER</b>                    |   |
| <b>CASE TYPE:</b>   |  |   |
| <input checked="" type="checkbox"/> <b>AIR</b>  | <input type="checkbox"/> <b>MULTI-MEDIA (check all that apply)</b> | <input type="checkbox"/> <b>INDUSTRIAL AND HAZARDOUS WASTE</b>              |
| <input type="checkbox"/> <b>PUBLIC WATER SUPPLY</b>   | <input type="checkbox"/> <b>PETROLEUM STORAGE TANKS</b>            | <input type="checkbox"/> <b>OCCUPATIONAL CERTIFICATION</b>                  |
| <input type="checkbox"/> <b>WATER QUALITY</b>   | <input type="checkbox"/> <b>SEWAGE SLUDGE</b>                      | <input type="checkbox"/> <b>UNDERGROUND INJECTION CONTROL</b>               |
| <input type="checkbox"/> <b>MUNICIPAL SOLID WASTE</b>   | <input type="checkbox"/> <b>RADIOACTIVE WASTE</b>                  | <input type="checkbox"/> <b>DRY CLEANER REGISTRATION</b>                    |
| <p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> TOTAL PETRO CHEMICALS USA PORT ARTHUR REFINERY, 7600 32nd Street, Port Arthur, Jefferson County</p> <p><b>TYPE OF OPERATION:</b> Petrochemical plant</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There are two additional pending enforcement actions regarding this facility location, Docket Nos. 2009-0131-AIR-E and 2011-0260-AIR-E.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on March 28, 2011. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b><br/> <b>TCEQ Attorney/SEP Coordinator:</b> Mr. Phillip Hampsten, SEP Coordinator, Enforcement Division, MC 219, (512) 239-6732<br/> <b>TCEQ Enforcement Coordinator:</b> Ms. Audra Benoit, Enforcement Division, Enforcement Team 5, MC R-10, (409) 899-8799; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495<br/> <b>Respondent:</b> Mr. Darrell Jacob, Refinery Manager, TOTAL PETROCHEMICALS USA, INC., 7600 32nd Street, Port Arthur, Texas 77642<br/> <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p> |  |   |



**VIOLATION SUMMARY CHART:**

| VIOLATION INFORMATION   | PENALTY CONSIDERATIONS   | CORRECTIVE ACTIONS TAKEN/REQUIRED   |
|---|--|---|
| <p><b>Type of Investigation:</b><br/> <input type="checkbox"/> Complaint<br/> <input type="checkbox"/> Routine<br/> <input type="checkbox"/> Enforcement Follow-up<br/> <input checked="" type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> June 14, 2010 and May 27, 2010</p> <p><b>Date of NOV/NOE Relating to this Case:</b> July 26, 2010 and August 6, 2010 (NOE)</p> <p><b>Background Facts:</b> This was a records review.</p> <p><b>AIR</b></p> <p>1) Failed to comply with the allowable hourly emissions rates. Specifically, from January 1, 2009 through December 31, 2009, the Respondent exceeded the authorized hourly emissions rates for 12 heaters, resulting in the release of 70.6 pounds ("lbs") of sulfur dioxide ("SO<sub>2</sub>") [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b), (b)(2)(F) and (c), and 122.143(4), TEX. HEALTH &amp; SAFETY CODE § 382.085(b), Federal Operating Permit ("FOP") O-01267, Special Terms and Conditions ("STC") 28, Air Permit Nos. 2347, 8983A, 9194A and PSD-TX-453M6, 9195A and PSD-TX-453M6, SC 1, Air Permit Nos. 3615 and 5694, General Conditions ("GC") 8, and Air Permit Nos. 9193A and PSD-TX-453M6, Special Conditions ("SC") 2].</p> <p>2) Failed to comply with the allowable hourly emissions rates. Specifically, from January 29, 2009 to March 10, 2009, on July 7, 2009 and on November 3, 2009, the Respondent exceeded the authorized hourly emissions rates at Emissions Point Number ("EPN") 17REFHTRS of 15.75 pounds per hour ("lbs/hr") for carbon monoxide ("CO") and 14.85 lbs/hr for nitrogen oxide ("NO<sub>x</sub>"), resulting in the release of 588.45 lbs of CO and 2.16</p> | <p><b>Total Assessed:</b> \$213,972</p> <p><b>Total Deferred:</b> \$42,794<br/> <input checked="" type="checkbox"/> Expedited Settlement<br/> <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$85,589</p> <p><b>Total Paid to General Revenue:</b> \$85,589</p> <p><b>Compliance History Classifications:</b><br/>           Person/CN - Average<br/>           Site/RN - Average</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p> | <p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:</p> <p>a. Replaced a faulty combustible sensor, physically isolated purge gas, locked and tagged out the control valve, and trained personnel in the modification process flow to prevent exceedances of the permitted hourly emissions rates for CO, NO<sub>x</sub>, and SO<sub>2</sub> on February 5, 2010;</p> <p>b. Modified operating instructions indicating proper control during periods of black burn in order to maintain the proper temperature at the chlorosorb inlet on June 17, 2010;</p> <p>c. In response to Incident No. 139159, repaired the faulty flow meter and trained personnel on June 23, 2010;</p> <p>d. Submitted an administratively complete permit application on August 2, 2010, to amend the current Air Permit Nos. 46396 and PSD-TX-1073, to incorporate Air Permit Nos. 5694A, 18936 and PSD-TX-762M2, 56386, and 56409, in order to raise the maximum allowable rates for VOCs, authorize Tank 586 for its current service of Pyrolysis Fuel Oil/Pyrolysis Gas Oil, and raise the throughput rates at Docks 1 and 3;</p> <p>e. Trained personnel on the environmental permit emissions rates and alarm points that operations use to prevent SO<sub>2</sub> emissions rates exceedances at the heaters on September 2, 2010;</p> <p>f. Trained personnel on environmental permit emissions rates at the Sulfur Recovery Unit Incinerator and alarm points that operations use to prevent CO, H<sub>2</sub>S, and SO<sub>2</sub> emissions rates exceedances on September 2, 2010;</p> <p>g. Created and modified alarm points to ensure a quicker response time for periods of elevated emissions rates for</p> |



|  |  |   |
|--|--|---|
| <p>lbs of NOx [30 TEX. ADMIN. CODE §§ 116.115(b), (b)(2)(F) and (c), 122.143(4), TEX. HEALTH &amp; SAFETY CODE § 382.085(b), FOP O-01267, STC 28, Air Permit No. 5694A, GC 8].</p> <p>3) Failed to comply with the allowable hourly emissions rates and concentrations. Specifically, the Respondent exceeded the authorized hourly emission rate of 77.26 lbs/hr of CO and the NOx concentrations of 42 parts per million ("ppm") at EPN 60COGENSTK on January 28, 2009, February 6, 2009, August 12, 2009 through August 17, 2009, December 7, 15 and 16, 2009, resulting in the release of 182.77 lbs of CO and the average concentration of 88.70 ppm of NOx [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b), (b)(2)(F) and (c), 122.143(4), TEX. HEALTH &amp; SAFETY CODE § 382.085(b), FOP O-01267, STC 28, and Air Permit Nos. 16840 and PSD-TX-688M2, SC 2 and GC 8].</p> <p>4) Failed to comply with the allowable hourly emissions rates. Specifically, on February 5 and 16, 2009, during daily monitoring of the carbon canister breakthrough the Respondent exceeded the authorized hourly emissions rate of 0.01 lbs/hr of volatile organic compounds ("VOCs") at EPN 67TNKO660CC resulting in the release of 0.96 lbs of VOCs for 48 hours [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c), and 122.143(4), TEX. HEALTH &amp; SAFETY CODE § 382.085(b), FOP O-01267, STC 28, and Air Permit No. 56385, SC 1].</p> <p>5) Failed to comply with the allowable hourly emissions rates and concentrations. Specifically, on May 9, 2009 to November 20, 2009, the Respondent exceeded the hourly emissions rate of 40.37 lbs/hr of CO, 1.06 lbs/hr of H<sub>2</sub>S, and 37.88 lbs/hr of SO<sub>2</sub> at the Sulfur Recovery Tail Gas Thermal Oxidizer, EPN 15RUINCIN, resulting in the release of 254.1 lbs of CO, 2.39 lbs of hydrogen sulfide ("H<sub>2</sub>S"), 87.5 lbs of SO<sub>2</sub>, and the average SO<sub>2</sub> concentration of 602 ppm [30 TEX. ADMIN. CODE §§ 101.20(1) and (3), 116.115(b)(2)(F) and (c), and 122.143(4), 40 CODE OF FEDERAL REGULATIONS ("CFR") § 60.104(a)(2)(i) and 60.105(e)(4)(i), TEX. HEALTH &amp; SAFETY CODE § 382.085(b), FOP O-01267, STC 28, Air Permit Nos. 9195A and PSD-TX-453M6, SC 1 and 3].</p> |  | <p>CO and NOx concentrations on September 8, 2010; and</p> <p>h. Revised operating procedures to emphasize the importance of managing CO burn at the Regenerator Flue Gas Post 2000 Post (8) on September 9, 2010.</p> <p><b>Ordering Provisions:</b></p> <p>1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project ("SEP"). (See SEP Attachment A)</p> <p>2) The Order will also require the Respondent to:</p> <p>a. Within 30 days after the date of this Agreed Order, initiate an engineering study to evaluate the carbon canister system operation, and implement measures designed to control VOC hourly and annual emissions rates exceedances;</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit certification of compliance for Ordering Provision 2.a.;</p> <p>c. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit application for Air Permit Nos. 46396 and PSD-TX-1073 within 30 days after the date of such requests, or by other deadline specified in writing; and</p> <p>d. Within 180 days after the effective date of this Agreed Order, submit written certification that either proper authorization has been obtained and the changes are sufficient to demonstrate compliance with the violations addressed or that operation has ceased until such time that appropriate authorization is obtained.</p> |
|--|--|---|



6) Failed to comply with the allowable hourly emissions rates and concentrations. Specifically, on July 8, 2009 and December 8, 2009, the Respondent exceeded the authorized hourly emission rate of 143.69 lbs/hr of CO and CO concentration of 500 ppm at the Regenerator Flue Gas Post 2000 Project (8), EPN 55RGNFLUGS, resulting in the release of 219.72 lbs of CO and the average CO concentration of 619.9 ppm [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b), (b)(2)(F) and (c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP O-01267, STC 28, and Air Permit Nos. 18936 and PSD-TX-762M3, SC 8].

7) Failed to maintain the proper temperature at the chlorosorb inlet. Specifically, the maximum temperature of 366.6 degrees Fahrenheit was exceeded in the chlorosorb inlet by 4.05 degrees Fahrenheit on September 15, 2009, and 1.72 degrees Fahrenheit on September 13, 2009 [30 TEX. ADMIN. CODE §§ 113.780, 116.115(c), and 122.143(4), 40 CFR § 63.1567(a)(2), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP O-01267, STC 28, and Air Permit No. 5694A, SC 3].

8) Failed to comply with the annual allowable emission rates. Specifically, from January 1, 2008 to December 31, 2008, the Respondent exceeded the authorized annual VOC emissions rate by a total of 9.2 tons per year ("tpy") for 14 tanks. From January 1, 2009 through December 31, 2009, the Respondent exceeded the authorized annual VOC emissions rate by a total of 11.1 tpy for 14 tanks [30 TEX. ADMIN. CODE §§ 106.6, 116.115(b) and (b)(2)(F), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP O-01267, STC 28, Air Permit Nos. 5694A and 18936 and PSD-TX-762M2, GC 8, Air Permit Nos. 46396 and PSD-TX-1073, 56385, and 56409, SC 1].

9) Failed to authorize Tank 586, EPN 22TANK0586, for current service. Specifically, for the period of July 1, 2009 through September 30, 2009, Tank 586 was authorized for Asphalt/Asphalt Blendstock, but not authorized for its current service of Pyrolysis Fuel Oil/Pyrolysis Gas Oil [30 TEX. ADMIN. CODE §§ 116.110(a), 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP O-01267, STC 28 and Air Permit No.





|  |  |  |
|--|--|--|
| <p>49743, SC 4].</p> <p>10) Failed to load within the allowable annual throughput rates at Dock Nos. 1 and 3. Specifically, the Respondent exceeded the annual throughput rates in 2006 by 36%, in 2007 by 44%, and in 2008 by 46% [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), TEX. HEALTH &amp; SAFETY CODE § 382.085(b), FOP O-01267, STC 28, and Air Permit Nos. 46396 and PSD-TX-1073, SC 18 and 19, (previously SC 10)].</p> <p>11) Failed to prevent unauthorized emissions on May 1, 2010. Specifically, Incident No. 139159, resulted from the Respondent failing to close the nitrogen purge valves at the start-up of compressor C-200A. Since the gas flow meter was faulty and did not register any excess flow, the North and South Flares released a total of 9.04 lbs of H<sub>2</sub>S and 1,711.50 of SO<sub>2</sub> for four hours and four minutes. Since this emissions event could have been prevented by better operational and/or maintenance practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c), and 122.143(4), TEX. HEALTH &amp; SAFETY CODE § 382.085(b), FOP O-01267, SC 28, and Air Permit No. 54026, SC 1].</p> |  |  |
|--|--|--|

Additional ID No(s): Air Account JE0005H



Attachment A  
Docket Number: 2010-1300-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

**The Respondent:** TOTAL PETROCHEMICALS USA, INC.  
**Penalty Amount:** One Hundred Seventy-One Thousand One Hundred Seventy-Eight Dollars (\$171,178)  
**SEP Offset Amount:** Eighty-Five Thousand Five Hundred Eighty-Nine Dollars (\$85,589)  
**Type of SEP:** Pre-approved SEP  
**Third-Party Recipient:** Southeast Texas Regional Planning Commission  
**Project Name:** *Meteorological and Air Monitoring Network*  
**Location of SEP:** Jefferson County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP offset amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

a. Project

The Respondent shall contribute the SEP offset amount to the Third-Party Recipient named above. The contribution will be to the **Southeast Texas Regional Planning Commission** to be used for the *Meteorological and Air Monitoring Network* as set forth in an agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to operate, maintain, and potentially expand the existing Southeast Texas Regional Air Monitoring Network which includes nine monitoring stations currently at the following locations:

1. Beaumont CAM#2
2. Cove School CAM #C695
3. Mauriceville CAM#642
4. Port Arthur (Motiva) Industrial Site CAM #C628
5. Port Arthur Memorial High School campus CAM #C689
6. Port Neches CAM #136
7. Sabine Pass CAM #C640
8. Southeast Texas Regional Airport CAM #C643
9. West Orange CAM #C9

The pollutants currently monitored at each station are identified in Table 1.1 of the agreement between the Third-Party Recipient and the TCEQ. Additional parameters or monitoring sites may, contingent upon available funding and approval of TCEQ, be



added. Operation and maintenance of the ambient air monitoring stations includes canister sampling and gas chromatographs. Ancillary equipment includes sample conditioning systems, meteorological towers, climate controlled equipment shelters, a remote communications system, and electronic data logging capability. Ambient monitoring protocols have been and will continue to conform to applicable TCEQ or U.S. Environmental Protection Agency guidelines.

A TCEQ-approved Quality Assurance Project Plan containing all applicable EPA QA-R5 elements shall be maintained. Analysis of all data collected from these sites will comply with Standard Operating Procedures for the analysis and measurement of Volatile Organic Compounds in Ambient Air. The laboratory data generated by this project will be from a TCEQ accredited laboratory in compliance with state laws and rules regarding use of certified or accredited testing laboratories. For example, the Third-Party Recipient must comply with 30 Texas Administrative Code, Chapter 25, Subchapter A, relating to Environmental Testing Laboratory Accreditation and Certification, as amended.

The SEP Offset Amount will be used to purchase equipment (such as automated canister samplers), hardware, software, and licenses to enable the monitoring, and for the cost of operating, maintaining, and periodically upgrading or adding to these air monitoring stations along with ancillary equipment approved by TCEQ. The data will be validated and sent to TCEQ's Leading Environmental Analysis and Display (LEADS) system. All costs associated with the collection, transfer, and formatting of these data to be compatible with the LEADS system is the responsibility of the Third-Party Recipient. No portion of the SEP Offset Amount will be used for administrative costs or salaries of the Third-Party Recipient. The Third-Party Recipient may use contractors to perform the monitoring project, subject to special conditions concerning costs.

The project will be administered in accordance with federal, state, and local environmental laws and regulations. The Respondent certifies that there is no prior commitment to make this contribution and that it is being performed solely in an effort to settle this enforcement action.

b. Environmental Benefit

Particulate matter (PM), sulfides (SO, SO<sub>2</sub>), oxides of nitrogen (NO<sub>x</sub>), volatile organic carbon (VOC) compounds, and ambient air conditions are measured at the stations and the data are made accessible to TCEQ and the public. Sites may also provide continuous assessment of benzene, 1, 3-butadiene and styrene. This monitoring was not previously covered by existing ambient air monitoring systems. The data is shared with the Texas Commission on Environmental Quality, industry, and the public at [http://www.tceq.state.tx.us/cgi-bin/compliance/monops/site\\_info.pl](http://www.tceq.state.tx.us/cgi-bin/compliance/monops/site_info.pl).

Continued monitoring in this area of the community will help better understand air quality pollutants and will enable better identification of emission sources. The data will focus on specific chemicals that may raise air quality concerns.



c. Minimum Expenditure

The Respondent shall contribute at least the SEP offset amount to the Third-Party Recipient and comply with all other provisions of this SEP.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent shall contribute the SEP offset amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Southeast Texas Regional Planning Commission  
Bob Dickinson, Director Transportation and Environmental Resources  
Attention: SEP  
South East Texas Regional Planning Commission  
2210 Eastex Freeway, Beaumont, TX 77703

**3. Records and Reporting**

Concurrent with the payment of the SEP offset amount, the Respondent shall provide the Enforcement Division SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP offset amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division  
Attention: SEP Coordinator, MC 219  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**4. Failure to Fully Perform**

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Offset Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP offset amount.





TOTAL PETROCHEMICALS USA, INC.  
Agreed Order – Attachment A

In the event of incomplete performance, the Respondent shall submit a check for any remaining amount due made payable to "Texas Commission on Environmental Quality" with the notation "SEP Refund" and the docket number of the case, and shall send it to:

Litigation Division  
Attention: SEP Coordinator, MC 175  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

## **5. Publicity**

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

## **6. Clean Texas Program**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

## **7. Other SEPs by TCEQ or Other Agencies**

The SEP identified in this Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

|              |                             |                        |                              |                           |
|--------------|-----------------------------|------------------------|------------------------------|---------------------------|
| <b>DATES</b> | <b>Assigned</b> 11-Aug-2010 | <b>PCW</b> 15-Nov-2010 | <b>Screening</b> 11-Aug-2010 | <b>EPA Due</b> 8-May-2011 |
|--------------|-----------------------------|------------------------|------------------------------|---------------------------|

## RESPONDENT/FACILITY INFORMATION

|                             |                                |                           |       |
|-----------------------------|--------------------------------|---------------------------|-------|
| <b>Respondent</b>           | TOTAL PETROCHEMICALS USA, INC. |                           |       |
| <b>Reg. Ent. Ref. No.</b>   | RN102457520                    |                           |       |
| <b>Facility/Site Region</b> | 10-Beaumont                    | <b>Major/Minor Source</b> | Major |

## CASE INFORMATION

|  |                 |                              |                    |
|--|-----------------|------------------------------|--------------------|
| <b>Enf./Case ID No.</b>                | 40180           | <b>No. of Violations</b>     | 11                 |
| <b>Docket No.</b>                      | 2010-1300-AIR-E | <b>Order Type</b>            | 1660               |
| <b>Media Program(s)</b>                | Air             | <b>Government/Non-Profit</b> | No                 |
| <b>Multi-Media</b>                     |                 | <b>Enf. Coordinator</b>      | Audra Benoit       |
|  |                 | <b>EC's Team</b>             | Enforcement Team 5 |
| <b>Admin. Penalty \$ Limit Minimum</b> |                 | \$0                          | <b>Maximum</b>     |
|  |                 |                              | \$10,000           |

## Penalty Calculation Section

|   |                   |          |
|---|-------------------|----------|
| <b>TOTAL BASE PENALTY (Sum of violation base penalties)</b> | <b>Subtotal 1</b> | \$42,100 |
|---|-------------------|----------|

## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

|                           |                    |                                |           |
|---------------------------|--------------------|--------------------------------|-----------|
| <b>Compliance History</b> | 386.0% Enhancement | <b>Subtotals 2, 3, &amp; 7</b> | \$162,506 |
|---------------------------|--------------------|--------------------------------|-----------|

**Notes**  
Enhancement for 13 same/similar NOV's, 18 dissimilar NOV's, 12 orders with a denial of liability, and two orders without a denial of liability. Reduction for three notices of intended audits and one disclosure of violation.

|                    |    |                  |                   |     |
|--------------------|----|------------------|-------------------|-----|
| <b>Culpability</b> | No | 0.0% Enhancement | <b>Subtotal 4</b> | \$0 |
|--------------------|----|------------------|-------------------|-----|

**Notes**  
The Respondent does not meet the culpability criteria.

|  |                   |         |
|--|-------------------|---------|
| <b>Good Faith Effort to Comply Total Adjustments</b> | <b>Subtotal 5</b> | \$3,250 |
|--|-------------------|---------|

|                         |                   |                   |     |
|-------------------------|-------------------|-------------------|-----|
| <b>Economic Benefit</b> | 0.0% Enhancement* | <b>Subtotal 6</b> | \$0 |
|-------------------------|-------------------|-------------------|-----|

Total EB Amounts \$1,937  
Approx. Cost of Compliance \$21,500  
\*Capped at the Total EB \$ Amount

|                             |                       |           |
|-----------------------------|-----------------------|-----------|
| <b>SUM OF SUBTOTALS 1-7</b> | <b>Final Subtotal</b> | \$201,356 |
|-----------------------------|-----------------------|-----------|

|   |      |                   |          |
|---|------|-------------------|----------|
| <b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b> | 7.4% | <b>Adjustment</b> | \$15,000 |
|---|------|-------------------|----------|

Reduces or enhances the Final Subtotal by the indicated percentage.

**Notes**  
The Executive Director recommends an upward adjustment for the unauthorized emissions released in excess of the annual allowable limits as documented in Violation No. 8.

|                             |           |
|-----------------------------|-----------|
| <b>Final Penalty Amount</b> | \$216,356 |
|-----------------------------|-----------|

|                                   |                               |           |
|-----------------------------------|-------------------------------|-----------|
| <b>STATUTORY LIMIT ADJUSTMENT</b> | <b>Final Assessed Penalty</b> | \$213,972 |
|-----------------------------------|-------------------------------|-----------|

|                 |                 |                   |           |
|-----------------|-----------------|-------------------|-----------|
| <b>DEFERRAL</b> | 20.0% Reduction | <b>Adjustment</b> | -\$42,794 |
|-----------------|-----------------|-------------------|-----------|

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

**Notes**  
Deferral offered for expedited settlement.

|                        |           |
|------------------------|-----------|
| <b>PAYABLE PENALTY</b> | \$171,178 |
|------------------------|-----------|



Screening Date: 11-Aug-2010

Docket No. 2010-1300-AIR-E

PCW

Respondent: TOTAL PETROCHEMICALS USA, INC.

Policy Revision 2 (September 2002)

Case ID No. 40180

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102457520

Media [Statute]: Air

Enf. Coordinator: Audra Benoit

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

| Component                     | Number of...   | Enter Number Here | Adjust. |
|-------------------------------|--|-------------------|---------|
| NOVs                          | Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )  | 13                | 65%     |
|                               | Other written NOVs   | 18                | 36%     |
| Orders                        | Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )  | 12                | 240%    |
|                               | Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission | 2                 | 50%     |
| Judgments and Consent Decrees | Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )                              | 0                 | 0%      |
|                               | Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government  | 0                 | 0%      |
| Convictions                   | Any criminal convictions of this state or the federal government ( <i>number of counts</i> )   | 0                 | 0%      |
| Emissions                     | Chronic excessive emissions events ( <i>number of events</i> )   | 0                 | 0%      |
| Audits                        | Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )     | 3                 | -3%     |
|                               | Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )  | 1                 | -2%     |
| Please Enter Yes or No        |  |                   |         |
| Other                         | Environmental management systems in place for one year or more   | No                | 0%      |
|                               | Voluntary on-site compliance assessments conducted by the executive director under a special assistance program  | No                | 0%      |
|                               | Participation in a voluntary pollution reduction program   | No                | 0%      |
|                               | Early compliance with, or offer of a product that meets future state or federal government environmental requirements  | No                | 0%      |

Adjustment Percentage (Subtotal 2) 386%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

Enhancement for 13 same/similar NOVs, 18 dissimilar NOVs, 12 orders with a denial of liability, and two orders without a denial of liability. Reduction for three notices of intended audits and one disclosure of violation.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 386%



Screening Date 11-Aug-2010

Docket No. 2010-1300-AIR-E

PCW

Respondent TOTAL PETROCHEMICALS USA, INC.

Policy Revision 2 (September 2002)

Case ID No. 40180

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102457520

Media [Statute] Air

Enf. Coordinator Audra Benolt

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3), 116.115(b), (b)(2)(F) and (c), and 122.143(4), Tex. Health & Safety Code § 382.085(b), Federal Operating Permit ("FOP") O-01267, Special Terms and Conditions ("STC") 28, Air Permit Nos. 2347, 8983A, 9194A and PSD-TX-453M6, 9195A and PSD-TX-453M6, Special Conditions ("SC") 1, Air Permit Nos. 3615 and 5694, General Conditions ("GC") 8, and Air Permit Nos. 9193A and PSD-TX-453M6, SC 2

Violation Description

Failed to comply with the allowable hourly emissions rates. Specifically, from January 1, 2009 through December 31, 2009, the Respondent exceeded the authorized hourly emissions rates for 12 heaters, resulting in the release of 70.6 pounds ("lbs") of sulfur dioxide ("SO2"). See Attachment 1.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

| Release   | Harm  |          |       |
|-----------|-------|----------|-------|
|           | Major | Moderate | Minor |
| Actual    |       |          | X     |
| Potential |       |          |       |

Percent 25%

## &gt;&gt; Programmatic Matrix

| Falsification |       |          |       |
|---------------|-------|----------|-------|
|               | Major | Moderate | Minor |
|               |       |          |       |

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$7,500

\$2,500

## Violation Events

Number of Violation Events 1

365 Number of violation days

|                         |              |   |
|-------------------------|--------------|---|
| mark only one with an x | daily        |   |
|                         | weekly       |   |
|                         | monthly      |   |
|                         | quarterly    |   |
|                         | semiannual   |   |
|                         | annual       | X |
|                         | single event |   |

Violation Base Penalty \$2,500

One annual event is recommended.

## Good Faith Efforts to Comply

10.0% Reduction

\$250

Extraordinary

Ordinary

N/A

Notes

Before NOV NOV to EDPRP/Settlement Offer

(mark with x)

The Respondent completed corrective actions for this violation on September 2, 2010, after the July 26, 2010 NOE.

Violation Subtotal \$2,250

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$125

Violation Final Penalty Total \$12,786

This violation Final Assessed Penalty (adjusted for limits) \$12,786





# Economic Benefit Worksheet

Respondent TOTAL PETROCHEMICALS USA, INC.

Case ID No. 40180

Reg. Ent. Reference No. RN102457520

Media Air

Violation No. 1

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0              | 15                    |

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
| No commas or \$  |           |               |            |     |                |               |           |

## Delayed Costs

|                          |         |            |            |      |       |     |       |
|--------------------------|---------|------------|------------|------|-------|-----|-------|
| Equipment                |         |            |            | 0.00 | \$0   | \$0 | \$0   |
| Buildings                |         |            |            | 0.00 | \$0   | \$0 | \$0   |
| Other (as needed)        |         |            |            | 0.00 | \$0   | \$0 | \$0   |
| Engineering/construction |         |            |            | 0.00 | \$0   | \$0 | \$0   |
| Land                     |         |            |            | 0.00 | \$0   | n/a | \$0   |
| Record Keeping System    |         |            |            | 0.00 | \$0   | n/a | \$0   |
| Training/Sampling        |         |            |            | 0.00 | \$0   | n/a | \$0   |
| Remediation/Disposal     |         |            |            | 0.00 | \$0   | n/a | \$0   |
| Permit Costs             |         |            |            | 0.00 | \$0   | n/a | \$0   |
| Other (as needed)        | \$1,500 | 1-Jan-2009 | 2-Sep-2010 | 1.67 | \$125 | n/a | \$125 |

Notes for DELAYED costs

Estimated cost to train personnel on environmental permit limits and alarm points that operations use to control permit limit exceedances. The date required is the initial date of non-compliance. The final date is the date compliance was achieved.

## Avoided Costs

| ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs) |  |  |  |      |     |     |     |
|--|--|--|--|------|-----|-----|-----|
| Disposal   |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Personnel  |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling  |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Supplies/equipment   |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Financial Assurance [2]  |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3]   |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed)  |  |  |  | 0.00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$125



Screening Date 11-Aug-2010

Docket No. 2010-1300-AIR-E

PCW

Respondent TOTAL PETROCHEMICALS USA, INC.

Policy Revision 2 (September 2002)

Case ID No. 40180

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102457520

Media [Statute] Air

Enf. Coordinator Audra Benolt

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(b), (b)(2)(F) and (c), 122.143(4), Tex. Health &amp; Safety Code § 382.085(b), FOP O-01267, STC 28, Air Permit No. 5694A, GC 8

Violation Description

Failed to comply with the allowable hourly emissions rates. Specifically, from January 29, 2009 to March 10, 2009, on July 7, 2009 and on November 3, 2009, the Respondent exceeded the authorized hourly emissions rates at Emissions Point Number ("EPN") 17REFHTRS of 15.75 pounds per hour ("lbs/hr") for carbon monoxide ("CO") and 14.85 lbs/hr for nitrogen oxides ("NOx"), resulting in the release of 588.45 lbs of CO and 2.16 lbs of NOx.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

| Release   | Harm  |          |       |
|-----------|-------|----------|-------|
|           | Major | Moderate | Minor |
| Actual    |       |          | x     |
| Potential |       |          |       |

Percent 25%

## &gt;&gt; Programmatic Matrix

| Falsification | Major |          |       |
|---------------|-------|----------|-------|
|               | Major | Moderate | Minor |
|               |       |          |       |

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$7,500

\$2,500

## Violation Events

Number of Violation Events 1

42 Number of violation days

mark only one  
with an x

|              |   |
|--------------|---|
| daily        |   |
| weekly       |   |
| monthly      |   |
| quarterly    |   |
| semiannual   |   |
| annual       | x |
| single event |   |

Violation Base Penalty \$2,500

One annual event is recommended.

## Good Faith Efforts to Comply

25.0% Reduction

\$625

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

N/A

Notes

The Respondent completed corrective action for this violation on February 5, 2010, prior to the July 26, 2010 NOE.

Violation Subtotal \$1,875

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$183

Violation Final Penalty Total \$12,384

This violation Final Assessed Penalty (adjusted for limits) \$12,384



# Economic Benefit Worksheet

Respondent: TOTAL PETROCHEMICALS USA, INC.

Case ID No. 40180

Reg. Ent. Reference No. RN102457520

Media Air

Violation No. 2

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0              | 15                    |

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount  
Item Description No commas or \$

## Delayed Costs

|                          |         |             |            |      |      |       |       |
|--------------------------|---------|-------------|------------|------|------|-------|-------|
| Equipment                | \$1,500 | 29-Jan-2009 | 5-Feb-2010 | 1.02 | \$5  | \$102 | \$107 |
| Buildings                |         |             |            | 0.00 | \$0  | \$0   | \$0   |
| Other (as needed)        |         |             |            | 0.00 | \$0  | \$0   | \$0   |
| Engineering/construction |         |             |            | 0.00 | \$0  | \$0   | \$0   |
| Land                     |         |             |            | 0.00 | \$0  | n/a   | \$0   |
| Record Keeping System    |         |             |            | 0.00 | \$0  | n/a   | \$0   |
| Training/Sampling        |         |             |            | 0.00 | \$0  | n/a   | \$0   |
| Remediation/Disposal     |         |             |            | 0.00 | \$0  | n/a   | \$0   |
| Permit Costs             |         |             |            | 0.00 | \$0  | n/a   | \$0   |
| Other (as needed)        | \$1,500 | 29-Jan-2009 | 5-Feb-2010 | 1.02 | \$76 | n/a   | \$76  |

Notes for DELAYED costs

Estimated costs to replace faulty combustible sensor, physically isolate purge gas, lock and tag out the control valve to the Oxygen analyzer (\$1,500) and train personnel in the modification of process flow (\$1,000). The date required is the initial date of non-compliance. The final date is the date compliance was achieved.

## Avoided Costs

| ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs) |  |  |  |      |     |     |     |
|--|--|--|--|------|-----|-----|-----|
| Disposal   |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Personnel  |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling  |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Supplies/equipment   |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Financial Assurance [2]  |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3]   |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed)  |  |  |  | 0.00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Approx. Cost of Compliance

\$3,000

TOTAL

\$183



Screening Date 11-Aug-2010

Docket No. 2010-1300-AIR-E

PCW

Respondent TOTAL PETROCHEMICALS USA, INC.

Policy Revision 2 (September 2002)

Case ID No. 40180

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102457520

Media [Statute] Air

Enf. Coordinator Audra Benolt

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3), 116.115(b), (b)(2)(F) and (c), 122.143(4), Tex. Health & Safety Code § 382.085(b), FOP O-01267, STC 28, and Air Permit Nos. 16840 and PSD-TX-688M2, SC 2 and GC-8

Violation Description

Failed to comply with the allowable hourly emissions rates and concentrations. Specifically, the Respondent exceeded the authorized hourly emission rate of 77.26 lbs/hr of CO and the NOx concentrations of 42 parts per million ("ppm") at EPN 60COGENSTK, on January 28, 2009, February 6, 2009, August 12, 2009 through August 17, 2009, December 7, 15 and 16, 2009, resulting in the release of 182.77 lbs of CO and the average concentration of 88.70 ppm of NOx.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

| Release   | Harm  |          |       |
|-----------|-------|----------|-------|
|           | Major | Moderate | Minor |
| Actual    |       |          | X     |
| Potential |       |          |       |

Percent 25%

## &gt;&gt; Programmatic Matrix

| Falsification |       |          |       |
|---------------|-------|----------|-------|
|               | Major | Moderate | Minor |
|               |       |          |       |

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$7,500

\$2,500

## Violation Events

Number of Violation Events 3

322 Number of violation days

mark only one  
with an x

|              |   |
|--------------|---|
| daily        |   |
| weekly       |   |
| monthly      |   |
| quarterly    | X |
| semiannual   |   |
| annual       |   |
| single event |   |

Violation Base Penalty \$7,500

Three quarterly events are recommended for the quarters during which the violations occurred.

## Good Faith Efforts to Comply

10.0% Reduction

\$750

|               | Before NOV | NOV to EDPRP/Settlement Offer |
|---------------|------------|-------------------------------|
|               |            |                               |
| Extraordinary |            |                               |
| Ordinary      |            | X                             |
| N/A           |            | (mark with x)                 |

Notes

The Respondent completed corrective actions for this violation on September 8, 2010, after the July 26, 2010 NOE.

Violation Subtotal \$6,750

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$161

Violation Final Penalty Total \$38,359

This violation Final Assessed Penalty (adjusted for limits) \$38,359





# Economic Benefit Worksheet

**Respondent** TOTAL PETROCHEMICALS USA, INC.

**Case ID No.** 40180

**Reg. Ent. Reference No.** RN102457520

**Media** Air

**Violation No.** 3

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0              | 15                    |

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
| No commas or \$  |           |               |            |     |                |               |           |

## Delayed Costs

|                          |         |             |            |      |       |     |       |
|--------------------------|---------|-------------|------------|------|-------|-----|-------|
| Equipment                |         |             |            | 0.00 | \$0   | \$0 | \$0   |
| Buildings                |         |             |            | 0.00 | \$0   | \$0 | \$0   |
| Other (as needed)        |         |             |            | 0.00 | \$0   | \$0 | \$0   |
| Engineering/construction |         |             |            | 0.00 | \$0   | \$0 | \$0   |
| Land                     |         |             |            | 0.00 | \$0   | n/a | \$0   |
| Record Keeping System    |         |             |            | 0.00 | \$0   | n/a | \$0   |
| Training/Sampling        |         |             |            | 0.00 | \$0   | n/a | \$0   |
| Remediation/Disposal     |         |             |            | 0.00 | \$0   | n/a | \$0   |
| Permit Costs             |         |             |            | 0.00 | \$0   | n/a | \$0   |
| Other (as needed)        | \$2,000 | 28-Jan-2009 | 8-Sep-2010 | 1.61 | \$161 | n/a | \$161 |

Notes for DELAYED costs

Estimated cost to create and modify alarm points to control the unit to ensure a quicker response time for periods of elevated emissions. The date required is the initial date of non-compliance. The final date is the date compliance was achieved.

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

|                               |  |  |  |      |     |     |     |
|-------------------------------|--|--|--|------|-----|-----|-----|
| Disposal                      |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Personnel                     |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Supplies/equipment            |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Financial Assurance [2]       |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3]    |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed)             |  |  |  | 0.00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

TOTAL

\$161



Screening Date 11-Aug-2010

Docket No. 2010-1300-AIR-E

PCW

Respondent TOTAL PETROCHEMICALS USA, INC.

Policy Revision 2 (September 2002)

Case ID No. 40180

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102457520

Media [Statute] Air

Enf. Coordinator Audra Benoit

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c), and 122.143(4), Tex. Health &amp; Safety Code § 382.085(b), FOP O-01267, STC 28, and Air Permit No. 56385, SC 1

Violation Description

Failed to comply with the allowable hourly emissions rates. Specifically, on February 5 and 16, 2009, during daily monitoring of the carbon canister breakthrough the Respondent exceeded the authorized hourly emissions rate of 0.01 lbs/hr of volatile organic compounds ("VOCs") at EPN 67TNK0660CC resulting in the release of 0.96 lbs of VOCs for 48 hours.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

|           | Harm  |          |       |
|-----------|-------|----------|-------|
| Release   | Major | Moderate | Minor |
| Actual    |       |          | X     |
| Potential |       |          |       |

Percent 25%

## &gt;&gt; Programmatic Matrix

|  | Falsification | Major | Moderate | Minor |
|--|---------------|-------|----------|-------|
|  |               |       |          |       |

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$7,500

\$2,500

## Violation Events

Number of Violation Events 1

2 Number of violation days

mark only one with an x

|              |   |
|--------------|---|
| daily        |   |
| weekly       |   |
| monthly      |   |
| quarterly    | X |
| semiannual   |   |
| annual       |   |
| single event |   |

Violation Base Penalty \$2,500

One quarterly event is recommended.

## Good Faith Efforts to Comply

0.0% Reduction

\$0

Extraordinary

Ordinary

N/A

Notes

Before NOV NOV to EDPRP/Settlement Offer

|   |               |
|---|---------------|
|   |               |
|   |               |
| X | (mark with x) |

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$2,500

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$511

Violation Final Penalty Total \$13,055

This violation Final Assessed Penalty (adjusted for limits) \$13,055



# Economic Benefit Worksheet

Respondent: TOTAL PETROCHEMICALS USA, INC.  
Case ID No. 40180  
Reg. Ent. Reference No. RN102457520  
Media Air  
Violation No. 4

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0              | 15                    |

| Item Description  | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|-------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
| No comments or \$ |           |               |            |     |                |               |           |

## Delayed Costs

|                          |         |            |             |      |       |     |       |
|--------------------------|---------|------------|-------------|------|-------|-----|-------|
| Equipment                |         |            |             | 0:00 | \$0   | \$0 | \$0   |
| Buildings                |         |            |             | 0:00 | \$0   | \$0 | \$0   |
| Other (as needed)        |         |            |             | 0:00 | \$0   | \$0 | \$0   |
| Engineering/construction |         |            |             | 0:00 | \$0   | \$0 | \$0   |
| Land                     |         |            |             | 0:00 | \$0   | n/a | \$0   |
| Record Keeping System    |         |            |             | 0:00 | \$0   | n/a | \$0   |
| Training/Sampling        |         |            |             | 0:00 | \$0   | n/a | \$0   |
| Remediation/Disposal     |         |            |             | 0:00 | \$0   | n/a | \$0   |
| Permit Costs             |         |            |             | 0:00 | \$0   | n/a | \$0   |
| Other (as needed)        | \$5,000 | 5-Feb-2009 | 21-Feb-2011 | 2:04 | \$511 | n/a | \$511 |

Notes for DELAYED costs

Estimated costs to commission an engineering study to evaluate the carbon canister system operation. The date required is the initial date of non-compliance. The final date is the estimated date of compliance.

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

|                               |  |  |  |      |     |     |     |
|-------------------------------|--|--|--|------|-----|-----|-----|
| Disposal                      |  |  |  | 0:00 | \$0 | \$0 | \$0 |
| Personnel                     |  |  |  | 0:00 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling |  |  |  | 0:00 | \$0 | \$0 | \$0 |
| Supplies/equipment            |  |  |  | 0:00 | \$0 | \$0 | \$0 |
| Financial Assurance [2]       |  |  |  | 0:00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3]    |  |  |  | 0:00 | \$0 | \$0 | \$0 |
| Other (as needed)             |  |  |  | 0:00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$511



Screening Date 11-Aug-2010

Docket No. 2010-1300-AIR-E

PCW

Respondent TOTAL PETROCHEMICALS USA, INC.

Policy Revision 2 (September 2002)

Case ID No. 40180

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102457520

Media [Statute] Air

Enf. Coordinator Audra Benoit

Violation Number 5

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(1) and (3), 116.115(b)(2)(F) and (c), and 122.143(4); 40 Code of Federal Regulations ("CFR") § 60.104(a)(2)(i) and 60.105(e)(4)(i); Tex. Health & Safety Code § 382.085(b); FOP O-01267, STC 28, Air Permit Nos. 9195A and PSD-TX-453M6, SC 1 and 3

Violation Description

Failed to comply with the allowable hourly emissions rates and concentrations. Specifically, on May 9, 2009 to November 20, 2009, the Respondent exceeded the hourly emissions rate of 40.37 lbs/hr of CO, 1.06 lbs/hr of hydrogen sulfide ("H<sub>2</sub>S"), and 37.80 lbs/hr of SO<sub>2</sub> at the Sulfur Recovery Tail Gas Thermal Oxidizer, EPN 15RUINCIN, resulting in the release of 254.1 lbs of CO, 2.39 lbs of H<sub>2</sub>S, 87.5 lbs of SO<sub>2</sub>, and the average SO<sub>2</sub> concentration of 602 ppm.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

| Release   | Harm  |          |       |
|-----------|-------|----------|-------|
|           | Major | Moderate | Minor |
| Actual    |       |          | x     |
| Potential |       |          |       |

Percent 25%

## &gt;&gt; Programmatic Matrix

| Falsification | Harm  |          |       |
|---------------|-------|----------|-------|
|               | Major | Moderate | Minor |
|               |       |          |       |

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$7,500

\$2,500

## Violation Events

Number of Violation Events 1

14 Number of violation days

mark only one with an x

|              |   |
|--------------|---|
| daily        |   |
| weekly       |   |
| monthly      |   |
| quarterly    |   |
| semiannual   |   |
| annual       | x |
| single event |   |

Violation Base Penalty \$2,500

One annual event is recommended.

## Good Faith Efforts to Comply

10.0% Reduction

\$250

Extraordinary

Ordinary

N/A

Before NOV NOV to EDPRP/Settlement Offer

(mark with x)

Notes

The Respondent completed corrective actions for this violation on September 2, 2010, after the July 26, 2010 NOE.

Violation Subtotal \$2,250

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$99

Violation Final Penalty Total \$12,786

This violation Final Assessed Penalty (adjusted for limits) \$12,786





# Economic Benefit Worksheet

Respondent TOTAL PETROCHEMICALS USA, INC.

Case ID No. 40180

Reg. Ent. Reference No. RN102457520

Media Air

Violation No. 5

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0              | 15                    |

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
| No commas or \$  |           |               |            |     |                |               |           |

## Delayed Costs

|                          |         |            |            |      |      |     |      |
|--------------------------|---------|------------|------------|------|------|-----|------|
| Equipment                |         |            |            | 0.00 | \$0  | \$0 | \$0  |
| Buildings                |         |            |            | 0.00 | \$0  | \$0 | \$0  |
| Other (as needed)        |         |            |            | 0.00 | \$0  | \$0 | \$0  |
| Engineering/construction |         |            |            | 0.00 | \$0  | \$0 | \$0  |
| Land                     |         |            |            | 0.00 | \$0  | n/a | \$0  |
| Record Keeping System    |         |            |            | 0.00 | \$0  | n/a | \$0  |
| Training/Sampling        |         |            |            | 0.00 | \$0  | n/a | \$0  |
| Remediation/Disposal     |         |            |            | 0.00 | \$0  | n/a | \$0  |
| Permit Costs             |         |            |            | 0.00 | \$0  | n/a | \$0  |
| Other (as needed)        | \$1,500 | 9-May-2009 | 2-Sep-2010 | 1.32 | \$99 | n/a | \$99 |

Notes for DELAYED costs

Estimated costs to train personnel on environmental limits and alarm points that operations use to control permit limit exceedance. The date required is the initial date of non-compliance. The final date is the date compliance was achieved.

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

|                               |  |  |  |      |     |     |     |
|-------------------------------|--|--|--|------|-----|-----|-----|
| Disposal                      |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Personnel                     |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Supplies/equipment            |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Financial Assurance [2]       |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3]    |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed)             |  |  |  | 0.00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$99



Screening Date 11-Aug-2010

Docket No. 2010-1300-AIR-E

PCW

Respondent TOTAL PETROCHEMICALS USA, INC.

Policy Revision 2 (September 2002)

Case ID No. 40180

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102457520

Media [Statute] Air

Enf. Coordinator Audra Benolt

Violation Number 6

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3), 116.115(b), (b)(2)(F) and (c), and 122.143(4),  
Tex. Health & Safety Code § 382.085(b), FOP O-01267, STC 28, and Air Permit Nos.  
18936 and PSD-TX-762M3, SC 8

Violation Description

Failed to comply with the allowable hourly emissions rates and concentrations.  
Specifically, on July 8, 2009 and December 8, 2009, the Respondent exceeded the  
authorized hourly emission rate of 143.69 lbs/hr of CO and the CO concentration of  
500 ppm at the Regenerator Flue Gas Post 2000 Project (8), EPN 55RGNFLUGS,  
resulting in the release of 219.72 lbs of CO and the average CO concentration of 619.9  
ppm.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

| Release   | Harm  |          |       |
|-----------|-------|----------|-------|
|           | Major | Moderate | Minor |
| Actual    |       |          | X     |
| Potential |       |          |       |

Percent 25%

## &gt;&gt; Programmatic Matrix

| Falsification | Harm  |          |       |
|---------------|-------|----------|-------|
|               | Major | Moderate | Minor |
|               |       |          |       |

Percent 0%

Matrix  
Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do  
not exceed levels that are protective of human health or environmental receptors as a result of this  
violation.

Adjustment \$7,500

\$2,500

## Violation Events

Number of Violation Events 1

2 Number of violation days

|                            |              |   |
|----------------------------|--------------|---|
| mark only one<br>with an x | daily        |   |
|                            | weekly       |   |
|                            | monthly      |   |
|                            | quarterly    |   |
|                            | semiannual   |   |
|                            | annual       | X |
|                            | single event |   |

Violation Base Penalty \$2,500

One annual event is recommended.

## Good Faith Efforts to Comply

10.0% Reduction

\$250

Extraordinary

Ordinary

N/A

Notes

Before NOV NOV to EDPRP/Settlement Offer

X

(mark with x)

The Respondent completed corrective actions for this  
violation on September 9, 2010, after the July 26, 2010  
NOE.

Violation Subtotal \$2,250

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$29

Violation Final Penalty Total \$12,786

This violation Final Assessed Penalty (adjusted for limits) \$12,786



# Economic Benefit Worksheet

**Respondent:** TOTAL PETROCHEMICALS USA, INC.

**Case ID No.:** 40180

**Reg. Ent. Reference No.:** RN102457520

**Media:** Air

**Violation No.:** 6

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0              | 15                    |

| Item Description               | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|--------------------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
| <small>No commas or \$</small> |           |               |            |     |                |               |           |

## Delayed Costs

|                          |       |            |            |      |      |     |      |
|--------------------------|-------|------------|------------|------|------|-----|------|
| Equipment                |       |            |            | 0.00 | \$0  | \$0 | \$0  |
| Buildings                |       |            |            | 0.00 | \$0  | \$0 | \$0  |
| Other (as needed)        |       |            |            | 0.00 | \$0  | \$0 | \$0  |
| Engineering/construction |       |            |            | 0.00 | \$0  | \$0 | \$0  |
| Land                     |       |            |            | 0.00 | \$0  | n/a | \$0  |
| Record Keeping System    |       |            |            | 0.00 | \$0  | n/a | \$0  |
| Training/Sampling        |       |            |            | 0.00 | \$0  | n/a | \$0  |
| Remediation/Disposal     |       |            |            | 0.00 | \$0  | n/a | \$0  |
| Permit Costs             |       |            |            | 0.00 | \$0  | n/a | \$0  |
| Other (as needed)        | \$500 | 8-Jul-2009 | 9-Sep-2010 | 1.17 | \$29 | n/a | \$29 |

Notes for DELAYED costs

Estimated costs to revise operating procedures to emphasize the importance of managing a CO burn. The date required is the initial date of non-compliance. The final date is the date the compliance was achieved.

## Avoided Costs

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

|                               |  |  |  |      |     |     |     |
|-------------------------------|--|--|--|------|-----|-----|-----|
| Disposal                      |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Personnel                     |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Supplies/equipment            |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Financial Assurance [2]       |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3]    |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed)             |  |  |  | 0.00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

**TOTAL**

\$29



Screening Date 11-Aug-2010

Docket No. 2010-1300-AIR-E

PCW

Respondent TOTAL PETROCHEMICALS USA, INC.

Policy Revision 2 (September 2002)

Case ID No. 40180

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102457520

Media [Statute] Air

Enf. Coordinator Audra Benoit

Violation Number 7

Rule Cite(s)

30 Tex. Admin. Code §§ 113.780, 116.115(c), and 122.143(4), 40 CFR § 63.1567(a)(2), Tex. Health & Safety Code § 382.085(b), FOP O-01267, STC 28, and Air Permit No. 5694A, SC 3

Violation Description

Failed to maintain the proper temperature at the chlorosorb inlet. Specifically, the maximum temperature of 366.6 degrees Fahrenheit was exceeded in the chlorosorb inlet by 4.05 degrees Fahrenheit on September 15, 2009, and 1.72 degrees Fahrenheit on September 13, 2009.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

| Release   | Harm  |          |       |
|-----------|-------|----------|-------|
|           | Major | Moderate | Minor |
| Actual    |       |          |       |
| Potential |       |          | X     |

Percent 10%

## &gt;&gt; Programmatic Matrix

| Falsification | Harm  |          |       |
|---------------|-------|----------|-------|
|               | Major | Moderate | Minor |
|               |       |          |       |

Percent 0%

Matrix Notes

Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$9,000

\$1,000

## Violation Events

2

2

Number of violation days

mark only one  
with an x

|              |   |
|--------------|---|
| daily        |   |
| weekly       |   |
| monthly      |   |
| quarterly    |   |
| semiannual   |   |
| annual       |   |
| single event | X |

Violation Base Penalty \$2,000

Two single events are recommended for the two temperature exceedances.

## Good Faith Efforts to Comply

25.0%

Reduction

\$500

Extraordinary

Ordinary

N/A

Notes

Before NOV NOV to EDPRP/Settlement Offer

X

(mark with x)

The Respondent completed corrective actions for this violation on June 17, 2010, prior to the July 26, 2010 NOE.

Violation Subtotal \$1,500

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$19

Violation Final Penalty Total \$9,907

This violation Final Assessed Penalty (adjusted for limits) \$9,907





# Economic Benefit Worksheet

Respondent: TOTAL PETROCHEMICALS USA, INC.

Case ID No. 40180

Reg. Ent. Reference No. RN102457520

Media Air

Violation No. 7

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0              | 15                    |

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
| No commas or \$  |           |               |            |     |                |               |           |

## Delayed Costs

|                          |       |             |             |      |      |     |      |
|--------------------------|-------|-------------|-------------|------|------|-----|------|
| Equipment                |       |             |             | 0.00 | \$0  | \$0 | \$0  |
| Buildings                |       |             |             | 0.00 | \$0  | \$0 | \$0  |
| Other (as needed)        |       |             |             | 0.00 | \$0  | \$0 | \$0  |
| Engineering/construction |       |             |             | 0.00 | \$0  | \$0 | \$0  |
| Land                     |       |             |             | 0.00 | \$0  | n/a | \$0  |
| Record Keeping System    |       |             |             | 0.00 | \$0  | n/a | \$0  |
| Training/Sampling        |       |             |             | 0.00 | \$0  | n/a | \$0  |
| Remediation/Disposal     |       |             |             | 0.00 | \$0  | n/a | \$0  |
| Permit Costs             |       |             |             | 0.00 | \$0  | n/a | \$0  |
| Other (as needed)        | \$500 | 13-Sep-2009 | 17-Jun-2010 | 0.76 | \$19 | n/a | \$19 |

Notes for DELAYED costs

Estimated cost to to modify operating instructions indicating proper control during periods of black burn. The date required is the initial date of the maximum temperature exceedance. The final date is the date corrective actions were achieved.

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

|                               |  |  |  |      |     |     |     |
|-------------------------------|--|--|--|------|-----|-----|-----|
| Disposal                      |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Personnel                     |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Supplies/equipment            |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Financial Assurance [2]       |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3]    |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed)             |  |  |  | 0.00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$19



Screening Date 11-Aug-2010

Docket No. 2010-1300-AIR-E

PCW

Respondent TOTAL PETROCHEMICALS USA, INC.

Policy Revision 2 (September 2002)

Case ID No. 40180

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102457520

Media [Statute] Air

Enf. Coordinator Audra Benoit

Violation Number 8

Rule Cite(s)

30 Tex. Admin. Code §§ 106.6, 116.115(b) and (b)(2)(F), and 122.143(4), Tex. Health & Safety Code § 382.085(b), FOP O-01267, STC 28, Air Permit Nos. 5694A and 18936 and PSD-TX-762M2, GC 8, Air Permit Nos. 46396 and PSD-TX-1073, 56385, and 46409, SC 1

Violation Description

Failed to comply with the annual allowable emission rates. Specifically, from January 1, 2008 to December 31, 2008, the Respondent exceeded the authorized annual VOC emissions rate by a total of 9.2 tons per year ("tpy") for 14 tanks. From January 1, 2009 through December 31, 2009, the Respondent exceeded the authorized annual VOC emissions rate by a total of 11.1 tpy for 14 tanks. See Attachment 2.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

| Release   | Harm  |          |       |
|-----------|-------|----------|-------|
|           | Major | Moderate | Minor |
| Actual    |       |          | X     |
| Potential |       |          |       |

Percent 25%

## &gt;&gt; Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
|               |       |          |       |

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$7,500

\$2,500

## Violation Events

2

730

Number of violation days

mark only one  
with an x

|              |   |
|--------------|---|
| daily        |   |
| weekly       |   |
| monthly      |   |
| quarterly    |   |
| semiannual   |   |
| annual       | X |
| single event |   |

Violation Base Penalty \$5,000

Two annual events are recommended for 2008 and 2009.

## Good Faith Efforts to Comply

0.0% Reduction

\$0

Extraordinary

Ordinary

N/A

Notes

Before NOV NOV to EDPRP/Settlement Offer

X (mark with x)

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$5,000

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$801

Violation Final Penalty Total \$26,110

This violation Final Assessed Penalty (adjusted for limits) \$26,110



# Economic Benefit Worksheet

Respondent TOTAL PETROCHEMICALS USA, INC.  
 Case ID No. 40180  
 Reg. Ent. Reference No. RN102457520  
 Media Air  
 Violation No. 8

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0              | 15                    |

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|

## Delayed Costs

|                          |         |            |             |      |       |     |       |
|--------------------------|---------|------------|-------------|------|-------|-----|-------|
| Equipment                |         |            |             | 0:00 | \$0   | \$0 | \$0   |
| Buildings                |         |            |             | 0:00 | \$0   | \$0 | \$0   |
| Other (as needed)        |         |            |             | 0:00 | \$0   | \$0 | \$0   |
| Engineering/construction |         |            |             | 0:00 | \$0   | \$0 | \$0   |
| Land                     |         |            |             | 0:00 | \$0   | n/a | \$0   |
| Record Keeping System    |         |            |             | 0:00 | \$0   | n/a | \$0   |
| Training/Sampling        |         |            |             | 0:00 | \$0   | n/a | \$0   |
| Remediation/Disposal     |         |            |             | 0:00 | \$0   | n/a | \$0   |
| Permit Costs             |         |            |             | 0:00 | \$0   | n/a | \$0   |
| Other (as needed)        | \$5,000 | 1-Jan-2008 | 15-Mar-2011 | 3:20 | \$801 | n/a | \$801 |

Notes for DELAYED costs

Estimated costs to obtain a permit amendment. The date required is the initial date of non-compliance. The final date is the estimated date of compliance.

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

|                               |  |  |  |      |     |     |     |
|-------------------------------|--|--|--|------|-----|-----|-----|
| Disposal                      |  |  |  | 0:00 | \$0 | \$0 | \$0 |
| Personnel                     |  |  |  | 0:00 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling |  |  |  | 0:00 | \$0 | \$0 | \$0 |
| Supplies/equipment            |  |  |  | 0:00 | \$0 | \$0 | \$0 |
| Financial Assurance [2]       |  |  |  | 0:00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3]    |  |  |  | 0:00 | \$0 | \$0 | \$0 |
| Other (as needed)             |  |  |  | 0:00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$801



Screening Date 11-Aug-2010

Docket No. 2010-1300-ATR-E

PCW

Respondent TOTAL PETROCHEMICALS USA, INC.

Policy Revision 2 (September 2002)

Case ID No. 40180

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102457520

Media [Statute] Air

Enf. Coordinator Audra Benoit

Violation Number 9

Rule Cite(s)

30 Tex. Admin. Code §§ 116.110(a), 116.115(c) and 122.143(4), Tex. Health &amp; Safety Code § 382.085(b), FOP O-01267, STC 28 and Air Permit No. 49743, SC 4

Violation Description

Failed to authorize Tank 586, EPN-22TANK0586, for current service. Specifically, for the standard deviation report period of July 1, 2009 through September 30, 2009, Tank 586 was authorized for Asphalt/Asphalt Blendstock, but not authorized for its current service of Pyrolysis Fuel Oil/Pyrolysis Gas Oil.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

| Release   | Harm  |          |       |
|-----------|-------|----------|-------|
|           | Major | Moderate | Minor |
| Actual    |       |          |       |
| Potential |       |          |       |

Percent 0%

## &gt;&gt; Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
|               | X     |          |       |

Percent 25%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$7,500

\$2,500

## Violation Events

Number of Violation Events 2

91 Number of violation days

mark only one with an x

|              |   |
|--------------|---|
| daily        |   |
| weekly       |   |
| monthly      | X |
| quarterly    |   |
| semiannual   |   |
| annual       |   |
| single event |   |

Violation Base Penalty \$5,000

Two monthly events are recommended.

## Good Faith Efforts to Comply

0.0% Reduction

\$0

Extraordinary

Ordinary

N/A

Before NOV NOV to EDPRP/Settlement Offer

X (mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$5,000

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$26,110

This violation Final Assessed Penalty (adjusted for limits) \$26,110





# Economic Benefit Worksheet

Respondent TOTAL PETROCHEMICALS USA, INC.

Case ID No. 40180

Reg. Ent. Reference No. RN102457520

Media Air

Violation No. 9

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0              | 15                    |

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount  
Item Description No commas or \$

## Delayed Costs

|                          |  |  |  |      |     |     |     |
|--------------------------|--|--|--|------|-----|-----|-----|
| Equipment                |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Buildings                |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed)        |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Engineering/construction |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Land                     |  |  |  | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System    |  |  |  | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling        |  |  |  | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal     |  |  |  | 0.00 | \$0 | n/a | \$0 |
| Permit Costs             |  |  |  | 0.00 | \$0 | n/a | \$0 |
| Other (as needed)        |  |  |  | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs

This estimated cost for this violation is included with violation no: 8

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

|                               |  |  |  |      |     |     |     |
|-------------------------------|--|--|--|------|-----|-----|-----|
| Disposal                      |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Personnel                     |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Supplies/equipment            |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Financial Assurance [2]       |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3]    |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed)             |  |  |  | 0.00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0



Screening Date 11-Aug-2010

Docket No. 2010-1300-AIR-E

PCW

Respondent TOTAL PETROCHEMICALS USA, INC.

Policy Revision 2 (September 2002)

Case ID No. 40180

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102457520

Media [Statute] Air

Enf. Coordinator Audra Benolt

Violation Number

10

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), Tex. Health & Safety Code § 382.085(b), FOP O-01267, STC 28, and Air Permit Nos. 46396 and PSD-TX-1073, SC 18 and 19, (previously SC 10).

Violation Description

Failed to load within the allowable annual throughput rates at Dock Nos. 1 and 3. Specifically, the Respondent exceeded the annual throughput rates in 2006 by 36%, in 2007 by 44%, and in 2008 by 46%.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

|           | Major | Moderate | Minor |
|-----------|-------|----------|-------|
| Release   |       |          |       |
| Actual    |       |          | X     |
| Potential |       |          |       |

Percent 25%

## &gt;&gt; Programmatic Matrix

|               | Major | Moderate | Minor |
|---------------|-------|----------|-------|
| Falsification |       |          |       |

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$7,500

\$2,500

## Violation Events

Number of Violation Events 3

1095 Number of violation days

mark only one  
with an x

|              |   |
|--------------|---|
| daily        |   |
| weekly       |   |
| monthly      |   |
| quarterly    |   |
| semiannual   |   |
| annual       | X |
| single event |   |

Violation Base Penalty \$7,500

Three annual events are recommended.

## Good Faith Efforts to Comply

0.0% Reduction

\$0

Extraordinary

Ordinary

N/A

Notes

Before NOV NOV to EDPRP/Settlement Offer

(mark with x)

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$7,500

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$39,165

This violation Final Assessed Penalty (adjusted for limits) \$39,165



# Economic Benefit Worksheet

Respondent: TOTAL PETROCHEMICALS USA, INC.

Case ID No. 40180

Reg. Ent. Reference No. RN102457520

Media Air

Violation No. 10

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0              | 15                    |

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
| No commas or \$  |           |               |            |     |                |               |           |

## Delayed Costs

|                          |  |  |  |      |     |     |     |
|--------------------------|--|--|--|------|-----|-----|-----|
| Equipment                |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Buildings                |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed)        |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Engineering/construction |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Land                     |  |  |  | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System    |  |  |  | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling        |  |  |  | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal     |  |  |  | 0.00 | \$0 | n/a | \$0 |
| Permit Costs             |  |  |  | 0.00 | \$0 | n/a | \$0 |
| Other (as needed)        |  |  |  | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs

This estimated cost for this violation is included with violation no. 8

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

|                               |  |  |  |      |     |     |     |
|-------------------------------|--|--|--|------|-----|-----|-----|
| Disposal                      |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Personnel                     |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Supplies/equipment            |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Financial Assurance [2]       |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3]    |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed)             |  |  |  | 0.00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0



Screening Date 11-Aug-2010

Docket No. 2010-1300-AIR-E

PCW

Respondent TOTAL PETROCHEMICALS USA, INC.

Policy Revision 2 (September 2002)

Case ID No. 40180

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102457520

Media [Statute] Air

Enf. Coordinator Audra Benolt

Violation Number 11

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c), and 122.143(4), Tex. Health &amp; Safety Code § 382.085(b), FOP O-01267, STC 28, and Air Permit No. 54026, SC 1

Violation Description

Failed to prevent unauthorized emissions on May 1, 2010. Specifically, Incident No. 139159, resulted from the Respondent failing to close the nitrogen-purge valves at the start-up of compressor C-200A. Since the gas flow meter was faulty and did not register any excess flow, the North and South Flares released a total of 9.04 lbs of H<sub>2</sub>S and 1,711.50 of SO<sub>2</sub> for four hours and four minutes. Since this emissions event could have been prevented by better operational and/or maintenance practices, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

| Release   | Harm  |          |       |
|-----------|-------|----------|-------|
|           | Major | Moderate | Minor |
| Actual    |       |          | x     |
| Potential |       |          |       |

Percent 25%

## &gt;&gt; Programmatic Matrix

| Falsification |       |          |       |
|---------------|-------|----------|-------|
|               | Major | Moderate | Minor |
|               |       |          |       |

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$7,500

\$2,500

## Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one  
with an x

|              |   |
|--------------|---|
| daily        |   |
| weekly       |   |
| monthly      |   |
| quarterly    | x |
| semiannual   |   |
| annual       |   |
| single event |   |

Violation Base Penalty \$2,500

One quarterly event is recommended

## Good Faith Efforts to Comply

25.0% Reduction

\$625

Extraordinary

Ordinary

N/A

Before NOV NOV to EDPRP/Settlement Offer

(mark with x)

Notes

The Respondent completed corrective actions for this violation on June 23, 2010, before the August 6, 2010 NOE.

Violation Subtotal \$1,875

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$8

Violation Final Penalty Total \$12,384

This violation Final Assessed Penalty (adjusted for limits) \$10,000





# Economic Benefit Worksheet

Respondent: TOTAL PETROCHEMICALS USA, INC.

Case ID No. 40180

Reg. Ent. Reference No. RN102457520

Media: Air

Violation No. 11

Percent Interest: 5.0  
Years of Depreciation: 15

Item Cost    Date Required    Final Date    Yrs    Interest Saved    Onetime Costs    EB Amount  
Item Description    No commas or \$

## Delayed Costs

|                          |         |            |             |      |     |     |     |
|--------------------------|---------|------------|-------------|------|-----|-----|-----|
| Equipment                | \$1,500 | 1-May-2010 | 5-May-2010  | 0:01 | \$0 | \$1 | \$1 |
| Buildings                |         |            |             | 0:00 | \$0 | \$0 | \$0 |
| Other (as needed)        |         |            |             | 0:00 | \$0 | \$0 | \$0 |
| Engineering/construction |         |            |             | 0:00 | \$0 | \$0 | \$0 |
| Land                     |         |            |             | 0:00 | \$0 | n/a | \$0 |
| Record Keeping System    |         |            |             | 0:00 | \$0 | n/a | \$0 |
| Training/Sampling        |         |            |             | 0:00 | \$0 | n/a | \$0 |
| Remediation/Disposal     |         |            |             | 0:00 | \$0 | n/a | \$0 |
| Permit Costs             |         |            |             | 0:00 | \$0 | n/a | \$0 |
| Other (as needed)        | \$1,000 | 1-May-2010 | 23-Jun-2010 | 0:15 | \$7 | n/a | \$7 |

Notes for DELAYED costs

Estimated cost to repair the faulty flow meter and flare flow meter (\$1,500); and to conduct extensive training of personnel to prevent emissions events (\$1,000). The date required is the initial date of non-compliance. The final date is the date compliance was achieved.

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

|                               |  |  |  |      |     |     |     |
|-------------------------------|--|--|--|------|-----|-----|-----|
| Disposal                      |  |  |  | 0:00 | \$0 | \$0 | \$0 |
| Personnel                     |  |  |  | 0:00 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling |  |  |  | 0:00 | \$0 | \$0 | \$0 |
| Supplies/equipment            |  |  |  | 0:00 | \$0 | \$0 | \$0 |
| Financial Assurance [2]       |  |  |  | 0:00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3]    |  |  |  | 0:00 | \$0 | \$0 | \$0 |
| Other (as needed)             |  |  |  | 0:00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,500

TOTAL

\$8



**TOTAL PETROCHEMICALS USA, INC.**  
**2010-1300-AIR-E**

**Attachment 1**

Within the Standard Deviation Report ("SDR") for the Period of January 1, 2009 through March 31, 2009, on February 13 and 23, 2009, the Respondent exceeded the pounds per hour ("lbs/hr") sulfur dioxide ("SO<sub>2</sub>") Maximum Allowable Emissions Rate Table ("MAERT") limits at several heater Emission Point Numbers ("EPNs") as detailed below, including Average values, Maximum values and Total Unauthorized Amount ("TUA") values in pounds ("lbs").

| EPN        | Permit# | MAERT<br>(lbs/hr) | Event 2<br>(hours) | Event 3<br>(hours) | Avg<br>(lbs/hr) | Max<br>(lbs/hr) | TUA<br>(lbs) |
|------------|---------|-------------------|--------------------|--------------------|-----------------|-----------------|--------------|
| 01ACU1H101 | 9194A   | 3.9               | 0                  | 1                  | 4.61            | 4.61            | 0.71         |
| 01VACTH301 | 9194A   | 2.82              | 0                  | 1                  | 3.31            | 3.31            | 0.49         |
| 01ACU1202A | 3615    | 4.94              | 0                  | 1                  | 5.70            | 5.70            | 0.8          |
| 01ACU1202B | 3615    | 4.94              | 0                  | 1                  | 5.87            | 5.87            | 0.93         |
| 10DEMEXH-4 | 8983A   | 2.15              | 0                  | 1                  | 3.01            | 3.01            | 0.86         |
| 10DEMEXH-2 | 8983A   | 1.83              | 0                  | 1                  | 3.20            | 3.20            | 1.37         |
| 17NHTHTRS  | 5694A   | 3.32              | 1                  | 1                  | 4.14            | 4.52            | 1.63         |
| 17REFHTRS  | 5694A   | 11.13             | 10                 | 1                  | 13.54           | 19.42           | 26.54        |

Within the SDR for the Period of April 1, 2009 through June 30, 2009, on May 28, 2009, and June 7, 2009, the Respondent exceeded the SO<sub>2</sub> MAERT limits at several heaters as detailed below.

| EPN        | Permit# | MAERT<br>(lbs/hr) | Event 3<br>(hours) | Avg<br>(lbs/hr) | Max<br>(lbs/hr) | TUA<br>(lbs) |
|------------|---------|-------------------|--------------------|-----------------|-----------------|--------------|
| 10DEMEXH-4 | 8983A   | 2.15              | 2                  | 2.23            | 2.29            | 0.16         |
| 10DEMEXH-2 | 8983A   | 1.83              | 2                  | 2.04            | 2.07            | 0.41         |
| 13UNIBH301 | 9193A   | 2.64              | 1                  | 2.75            | 2.75            | 0.11         |
| 15SRUINCIN | 9195A   | 37.80             | 2                  | 43.71           | 45.88           | 11.81        |
| 17REFHTRS  | 5694A   | 11.13             | 2                  | 12.74           | 12.88           | 3.21         |

Within the SDR for the Period of October 1, 2009 through December 31, 2009, on October 19, 2009, and November 3, 2009, the Respondent exceeded the SO<sub>2</sub> MAERT limits at several heaters as detailed below.

| EPN          | Permit # | MAERT<br>(lbs/hr) | Event 2<br>(hours) | Event 3<br>(hours) | Avg<br>(lbs/hr) | Max<br>(lbs/hr) | TUA<br>(lbs) |
|--------------|----------|-------------------|--------------------|--------------------|-----------------|-----------------|--------------|
| 01VACTH301   | 9194A    | 2.82              | 0                  | 2                  | 3.58            | 3.90            | 1.52         |
| 01ACU1202A   | 3615     | 4.94              | 0                  | 2                  | 5.92            | 6.41            | 1.96         |
| 01ACU1202B   | 3615     | 4.94              | 0                  | 2                  | 5.79            | 6.27            | 1.70         |
| 04BTXH-52    | 5694A    | 1.32              | 1                  | 2                  | 1.52            | 1.69            | 0.60         |
| 10DEMEXH-4   | 8983A    | 2.15              | 3                  | 1                  | 2.46            | 3.04            | 1.67         |
| 10DEMEXH-2   | 8983A    | 1.83              | 3                  | 0                  | 2.19            | 2.64            | 1.53         |
| 17NHTHTRS    | 5694A    | 3.32              | 1                  | 2                  | 4.07            | 4.50            | 2.25         |
| 17REFHTRS    | 5694A    | 11.13             | 1                  | 2                  | 14.55           | 15.97           | 10.26        |
| 52DHT2H-2A/B | 2347     | 1.74              | 0                  | 1                  | 1.82            | 1.82            | 0.08         |

|                                 |        |        |       |
|---------------------------------|--------|--------|-------|
| TOTAL SO <sub>2</sub> EXCEEDED: | 148.79 | 158.78 | 70.59 |
|---------------------------------|--------|--------|-------|



# Compliance History Report

Customer/Respondent/Owner-Operator: CN600582399 TOTAL PETROCHEMICALS USA, INC. Classification: AVERAGE Rating: 3.56

Regulated Entity: RN102457520 TOTAL PETRO CHEMICALS USA Classification: AVERAGE Site Rating: 27.46

PORT ARTHUR REFINERY

|               |                                |                                  |              |
|---------------|--------------------------------|----------------------------------|--------------|
| ID Number(s): | STORMWATER                     | PERMIT                           | TXR15NF16    |
|               | INDUSTRIAL AND HAZARDOUS WASTE | PERMIT                           | 50074        |
|               | INDUSTRIAL AND HAZARDOUS WASTE | EPA ID                           | TXD065099160 |
|               | INDUSTRIAL AND HAZARDOUS WASTE | SOLID WASTE REGISTRATION # (SWR) | 30002        |
|               | WASTEWATER                     | PERMIT                           | WQ0000491000 |
|               | WASTEWATER                     | EPA ID                           | TX0004201    |
|               | AIR NEW SOURCE PERMITS         | REGISTRATION                     | 51145        |
|               | AIR NEW SOURCE PERMITS         | EPA ID                           | PAL46        |
|               | AIR NEW SOURCE PERMITS         | REGISTRATION                     | 51146        |
|               | AIR NEW SOURCE PERMITS         | REGISTRATION                     | 92262        |
|               | AIR NEW SOURCE PERMITS         | EPA ID                           | PSDTX1005    |
|               | AIR NEW SOURCE PERMITS         | PERMIT                           | N044         |
|               | AIR NEW SOURCE PERMITS         | REGISTRATION                     | 93152        |
|               | AIR NEW SOURCE PERMITS         | PERMIT                           | 2347         |
|               | AIR NEW SOURCE PERMITS         | PERMIT                           | 3615         |
|               | AIR NEW SOURCE PERMITS         | REGISTRATION                     | 11273        |
|               | AIR NEW SOURCE PERMITS         | PERMIT                           | 16840        |
|               | AIR NEW SOURCE PERMITS         | PERMIT                           | 5694A        |
|               | AIR NEW SOURCE PERMITS         | PERMIT                           | 8983A        |
|               | AIR NEW SOURCE PERMITS         | PERMIT                           | 9195A        |
|               | AIR NEW SOURCE PERMITS         | PERMIT                           | 9194A        |
|               | AIR NEW SOURCE PERMITS         | PERMIT                           | 9193A        |
|               | AIR NEW SOURCE PERMITS         | PERMIT                           | 17352        |
|               | AIR NEW SOURCE PERMITS         | PERMIT                           | 17920        |
|               | AIR NEW SOURCE PERMITS         | PERMIT                           | 18936        |
|               | AIR NEW SOURCE PERMITS         | PERMIT                           | 19490        |
|               | AIR NEW SOURCE PERMITS         | PERMIT                           | 19965        |
|               | AIR NEW SOURCE PERMITS         | PERMIT                           | 20381        |
|               | AIR NEW SOURCE PERMITS         | REGISTRATION                     | 35330        |
|               | AIR NEW SOURCE PERMITS         | REGISTRATION                     | 35329        |
|               | AIR NEW SOURCE PERMITS         | REGISTRATION                     | 36873        |
|               | AIR NEW SOURCE PERMITS         | REGISTRATION                     | 41280        |
|               | AIR NEW SOURCE PERMITS         | PERMIT                           | 43109        |
|               | AIR NEW SOURCE PERMITS         | REGISTRATION                     | 44046        |



|                        |                |            |
|------------------------|----------------|------------|
| AIR NEW SOURCE PERMITS | REGISTRATION   | 45378      |
| AIR NEW SOURCE PERMITS | REGISTRATION   | 46060      |
| AIR NEW SOURCE PERMITS | PERMIT         | 46396      |
| AIR NEW SOURCE PERMITS | REGISTRATION   | 47520      |
| AIR NEW SOURCE PERMITS | REGISTRATION   | 48600      |
| AIR NEW SOURCE PERMITS | ACCOUNT NUMBER | JE0005H    |
| AIR NEW SOURCE PERMITS | PERMIT         | 49136      |
| AIR NEW SOURCE PERMITS | PERMIT         | 54026      |
| AIR NEW SOURCE PERMITS | REGISTRATION   | 54742      |
| AIR NEW SOURCE PERMITS | REGISTRATION   | 84487      |
| AIR NEW SOURCE PERMITS | REGISTRATION   | 55151      |
| AIR NEW SOURCE PERMITS | REGISTRATION   | 55631      |
| AIR NEW SOURCE PERMITS | REGISTRATION   | 55916      |
| AIR NEW SOURCE PERMITS | PERMIT         | 55684      |
| AIR NEW SOURCE PERMITS | REGISTRATION   | 75532      |
| AIR NEW SOURCE PERMITS | REGISTRATION   | 75523      |
| AIR NEW SOURCE PERMITS | AFS NUM        | 4824500037 |
| AIR NEW SOURCE PERMITS | EPA ID         | PSDTX058   |
| AIR NEW SOURCE PERMITS | EPA ID         | PSDTX688   |
| AIR NEW SOURCE PERMITS | PERMIT         | 56385      |
| AIR NEW SOURCE PERMITS | REGISTRATION   | 56735      |
| AIR NEW SOURCE PERMITS | REGISTRATION   | 71547      |
| AIR NEW SOURCE PERMITS | REGISTRATION   | 71654      |
| AIR NEW SOURCE PERMITS | REGISTRATION   | 71651      |
| AIR NEW SOURCE PERMITS | REGISTRATION   | 71559      |
| AIR NEW SOURCE PERMITS | REGISTRATION   | 70700      |
| AIR NEW SOURCE PERMITS | REGISTRATION   | 55129      |
| AIR NEW SOURCE PERMITS | REGISTRATION   | 56248      |
| AIR NEW SOURCE PERMITS | REGISTRATION   | 54086      |
| AIR NEW SOURCE PERMITS | REGISTRATION   | 55072      |
| AIR NEW SOURCE PERMITS | REGISTRATION   | 53687      |
| AIR NEW SOURCE PERMITS | REGISTRATION   | 72471      |
| AIR NEW SOURCE PERMITS | REGISTRATION   | 72930      |
| AIR NEW SOURCE PERMITS | REGISTRATION   | 73221      |
| AIR NEW SOURCE PERMITS | REGISTRATION   | 72436      |
| AIR NEW SOURCE PERMITS | REGISTRATION   | 52593      |
| AIR NEW SOURCE PERMITS | REGISTRATION   | 73844      |





|                        |              |             |
|------------------------|--------------|-------------|
| AIR NEW SOURCE PERMITS | REGISTRATION | 73787       |
| AIR NEW SOURCE PERMITS | REGISTRATION | 73928       |
| AIR NEW SOURCE PERMITS | REGISTRATION | 74442       |
| AIR NEW SOURCE PERMITS | REGISTRATION | 74505       |
| AIR NEW SOURCE PERMITS | REGISTRATION | 74611       |
| AIR NEW SOURCE PERMITS | REGISTRATION | 74767       |
| AIR NEW SOURCE PERMITS | REGISTRATION | 73890       |
| AIR NEW SOURCE PERMITS | REGISTRATION | 73885       |
| AIR NEW SOURCE PERMITS | REGISTRATION | 75106       |
| AIR NEW SOURCE PERMITS | REGISTRATION | 75367       |
| AIR NEW SOURCE PERMITS | REGISTRATION | 75091       |
| AIR NEW SOURCE PERMITS | EPA ID       | PSDTX688M1  |
| AIR NEW SOURCE PERMITS | EPA ID       | PSDTX762M1  |
| AIR NEW SOURCE PERMITS | REGISTRATION | 76788       |
| AIR NEW SOURCE PERMITS | EPA ID       | PSDTX762M2  |
| AIR NEW SOURCE PERMITS | EPA ID       | PSDTX762M3  |
| AIR NEW SOURCE PERMITS | REGISTRATION | 78538       |
| AIR NEW SOURCE PERMITS | EPA ID       | PSDTX1073   |
| AIR NEW SOURCE PERMITS | REGISTRATION | 80728       |
| AIR NEW SOURCE PERMITS | REGISTRATION | 81517       |
| AIR NEW SOURCE PERMITS | EPA ID       | PSDTX762    |
| AIR NEW SOURCE PERMITS | REGISTRATION | 90674       |
| AIR NEW SOURCE PERMITS | EPA ID       | PSDTX1073M1 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 91082       |
| AIR NEW SOURCE PERMITS | REGISTRATION | 91247       |
| AIR NEW SOURCE PERMITS | REGISTRATION | 84507       |
| AIR NEW SOURCE PERMITS | REGISTRATION | 54827       |
| AIR NEW SOURCE PERMITS | REGISTRATION | 91045       |
| AIR NEW SOURCE PERMITS | REGISTRATION | 83832       |
| AIR NEW SOURCE PERMITS | REGISTRATION | 85036       |
| AIR NEW SOURCE PERMITS | REGISTRATION | 84944       |
| AIR NEW SOURCE PERMITS | REGISTRATION | 47047       |
| AIR NEW SOURCE PERMITS | REGISTRATION | 87865       |
| AIR NEW SOURCE PERMITS | PERMIT       | 91257       |
| AIR NEW SOURCE PERMITS | EPA ID       | PSDTX453M6  |
| AIR NEW SOURCE PERMITS | REGISTRATION | 72108       |
| AIR NEW SOURCE PERMITS | REGISTRATION | 51719       |
| AIR NEW SOURCE PERMITS | REGISTRATION | 51263       |
| AIR NEW SOURCE PERMITS | REGISTRATION | 90747       |



|                            |                |              |
|----------------------------|----------------|--------------|
| AIR OPERATING PERMITS      | ACCOUNT NUMBER | JE0005H      |
| AIR OPERATING PERMITS      | PERMIT         | 1267         |
| AIR OPERATING PERMITS      | PERMIT         | 2222         |
| PUBLIC WATER SYSTEM/SUPPLY | REGISTRATION   | 1230048      |
| WASTEWATER LICENSING       | LICENSE        | WQ0000491000 |
| WATER LICENSING            | LICENSE        | 1230048      |
| AIR EMISSIONS INVENTORY    | ACCOUNT NUMBER | JE0005H      |

Location: 7600 32ND ST, PORT ARTHUR, TX, 77642

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: September 16, 2010

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: September 15, 2005 to September 16, 2010

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Audra Benoit Phone: (409) 899-8799

### Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? Yes  
Fina Oil & Gas Chemical Co.
3. If Yes, who is the current owner/operator?  
OWN  
OWNOPR N/A  
OWNOPR American Petrofina Holding Company  
OWNOPR Fina Oil and Chemical Company  
OWNOPR TOTAL PETROCHEMICALS USA, INC.
4. If Yes, who was/were the prior owner(s)/operator(s)?  
OWNOPR Atofina PAR L.P.  
N/A
5. When did the change(s) in owner or operator occur? 06/29/2007  
OWNOPR Atofina PAR L.P.  
N/A
6. Rating Date: 9/1/2010 Repeat Violator: NO

### Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

Effective Date: 05/25/2007

ADMINORDER 2006-1095-AIR-E

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to notify the agency within 24 hours of the discovery of an emissions event.

Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 16840 and PSD-TX-688M2 PERMIT

Description: Failure to prevent an unauthorized emissions release at the facility.

Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 18936/PSD-TX-762M2 PERMIT



Description: Failure to maintain the VOC emission rate below 7.56 lb/hr at the FPM Cooling Tower during the time described by Incident No. 71740.

Effective Date: 10/23/2008

ADMINORDER 2007-1427-AIR-E

Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter C 113.340  
30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 56385, Special Condition 12E PERMIT  
56385, Special Condition 15 PERMIT  
O-01267, General Terms and Conditions OP  
O-01267, Special Condition 1A OP  
O-01267, Special Condition 27 OP

Description: Failure to operate with a cap, blind flange, plug, or a second valve installed on equipment in VOC service. EIC C10, MIN (3)(D)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 56385, Special Condition 4 PERMIT  
56385, Special Condition 5 PERMIT  
O-01267, General Terms and Conditions OP  
O-01267, Special Condition 27 OP

Description: Failure to comply with the conditions of a permit. EIC B18. MOD (2)(D)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 46396, Special Condition 8F PERMIT  
O-01267, General Terms and Conditions OP  
O-01267, Special Condition 27 OP

Description: Failure to maintain a tank's exterior surface as white or aluminum. EIC B19g.(1) MOD (2)(G)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 49743, Special Condition 8 PERMIT  
O-01267, General Terms and Conditions OP  
O-01267, Special Condition 27 OP

Description: Failure to maintain permitted loading limit as found in permit. MOD (2)(G) EIC B19g.(1)

Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter C 113.340  
30 TAC Chapter 115, SubChapter D 115.354(2)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 56385, Special Condition 12F PERMIT  
56385, Special Condition 15 PERMIT  
O-01267, General Terms and Conditions OP  
O-01267, Special Condition 1A OP  
O-01267, Special Condition 27 OP

Description: Failure to conduct fugitive monitoring on components. MIN (3)(A), EIC C1

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(d)  
5C THC Chapter 382, SubChapter D 382.085(b)



Rqmt Prov: O-01267, General Terms and Conditions OP  
O-01267, Special Condition 1A OP

Description: Failure to replace immediately with fresh carbon when carbon breakthrough was indicated by monitoring. MOD (2)(G), EIC B18

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.695(a)(3)(ii)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 56385, Special Condition 13 PERMIT  
O-01267, General Terms and Conditions OP  
O-01267, Special Condition 1A OP  
O-01267, Special Condition 27 OP

Description: Failure to replace immediately with fresh carbon when carbon breakthrough was indicated by monitoring on canisters. MOD (2)(G), EIC B18

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: O-01267, General Terms and Conditions OP

Description: Failure to obtain permit authorization for four carbon canisters. MOD (2)(D), EIC A2.a

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 113, SubChapter C 113.340  
30 TAC Chapter 115, SubChapter D 115.352(2)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 19965, Special Condition 2 PERMIT  
19965, Special Condition 5H PERMIT  
O-01267, General Terms and Conditions OP  
O-01267, Special Condition 1A OP  
O-01267, Special Condition 27 OP

Description: Failure to repair leaking components within 15 days after the leak was discovered. MOD (2)(G) EIC C4

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.114(a)(4)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: O-01267, General Terms and Conditions OP  
O-01267, Special Condition 1A OP

Description: Failure to conduct a visual inspection at least once every six months on an external floating roof tank. MOD(2)(E), EIC B1

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
30 TAC Chapter 122, SubChapter B 122.146(5)(D)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: O-01267, General Terms and Conditions OP

Description: Failure to report the occurrence of deviations in semi-annual deviation reports and accurately certify an annual compliance certification. MOD (2)(B), EIC B3

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 18936 and PSD-TX-762M2, GC 8 PERMIT  
O-01267, General Terms and Conditions OP  
O-01267, Special Condition (SC) 27 OP

Description: Failure to maintain permitted Carbon monoxide (CO) emissions rate for the FCCU





Regenerator Stack. MOD (2)(D) EIC A8c(2)(A)(ii)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 2347, SC 10 PERMIT

O-01267, General Terms and Conditions OP

O-01267, SC 27 OP

Description: Failure to conduct compliance testing within sixty days after start-up of four heaters at the refinery. MOD (2)(A) EIC A8c(1)(G)

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter A 106.6(b)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 56385, SC 1 PERMIT

O-01267, General Terms and Conditions OP

O-01267, SC 27 OP

Description: Failure to maintain allowable emissions rates. MOD (2)(D) EIC A8c(2)(A)(ii)

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter U 106.472  
30 TAC Chapter 115, SubChapter B 115.112(a)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: O-01267, General Terms and Conditions OP

O-01267, SC 4 OP

Description: Failure to obtain permit authorization and properly control VOC emissions from two spent acid tanks. MOD (2)(D) EIC A2.a

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 18936 and PSD-TX-762M2, GC 8 PERMIT

O-01267, General Terms and Conditions OP

O-01267, SC 27 OP

Description: Failure to maintain allowable emissions rates. MOD (2)(D) EIC A8c(2)(A)(ii)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 2347, SC 1 PERMIT

O-01267, General Terms and Conditions OP

O-01267, SC 27 OP

Description: Failure to maintain allowable emissions rates. MOD (2)(D) EIC A8c(2)(A)(ii)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 9195A and PSD-TX-453M6, SC 1 PERMIT

O-01267, General Terms and Conditions OP

O-01267, SC 27 OP

Description: Failure to maintain an allowable emissions limit. MOD (2)(D) EIC A8.c.(2)(A)(ii)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 113, SubChapter C 113.780  
30 TAC Chapter 116, SubChapter B 116.115(c)



30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)(i)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 Rqmt Prov: 9195A and PSD-TX-453M6, SC 3 PERMIT  
 O-01267, General Terms and Conditions OP  
 O-01267, SC 1A OP  
 O-01267, SC 27 OP  
 Description: Failure to limit the discharge of any gases into the atmosphere to 250 ppm by volume (dry basis) of SO<sub>2</sub> at zero % excess air, from any Claus Sulfur Recovery plant. MOD (2)(D), EIC A8c.(1)(B)  
 Classification: Minor  
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 Rqmt Prov: O-01267, General Terms and Conditions OP  
 O-01267, Special Condition 2F OP  
 Description: Failure to report the initial notification as soon as practical, but no later than 24-hours after the discovery of an emissions event. MIN (3)(C), EIC C3  
 Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(b)  
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 Rqmt Prov: 16840 and PSD-TX-688M2, GC 1 PERMIT  
 O-01267, General Terms and Conditions OP  
 O-01267, Special Condition 27 OP  
 Description: Failure to maintain an emission rate below the allowable emission limit. MOD (2)(D), EIC A8c.(2)(A)(ii)

Effective Date: 11/06/2008 ADMINORDER 2008-0243-AIR-E

Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: 1267, General Terms and Conditions OP  
 1267, Special Condition 27 OP  
 54026, Special Condition 1 PERMIT

Description: Failed to comply with the South Flare (EPN 53SOUTHFLR) MAER for SO<sub>2</sub> on March 30, 2007. Specifically, the MAER is 10.66 lbs/hr. During the event which lasted one hour 15 minutes, the South Flare released 898.80 lbs of SO<sub>2</sub>, resulting in 885.47 lbs of unauthorized emissions. Since these emissions could have been foreseen and avoided by good operating practices, the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 were not met. EIC A8(c)(2)(A)(ii) MOD(2)(D)

Classification: Minor  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 113, SubChapter C 113.340  
 30 TAC Chapter 115, SubChapter D 115.352(4)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: 20381, PSD-TX-1005, N-044, SC 7E PERMIT  
 O-02222, Special Condition 14 OP

Description: Failed to seal two open-ended lines, identified as Tag No. 01336 on the 40E-7A vessel and Tag No. 40,01668 located near pressure control valve PC 487, with a cap, plug, or blind flange. MIN (3)(C), EIC C10

Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 115, SubChapter B 115.114(a)(4)



30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: 20381, PSD-TX-1005, N-044, SC 6 PERMIT  
O-02222, Special Condition 14 OP  
O-02222, Special Condition 1A OP

Description: Failed to conduct inspections of external floating roof tanks once every six months. Specifically, in 2006, Tank Nos. 800, 801, 802, and 805 were inspected only once in November, and Tank Nos. 800 and 802 were not inspected during the first six months of 2007. MOD (2)(E), EIC B1

Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: O-02222, General Terms and Conditions OP

Description: Failed to report the occurrence of all deviations in the semi-annual deviation report. Specifically, failed to include failure to conduct tank inspections during the first six months of 2006 in the May 14, 2006 -November 13, 2006 semiannual deviation report and failed to include an exceedance of the Condensate Splitter Heater firing rate during a recordable shutdown/startup activity that occurred on November 14 and 15, 2006 in the November 14, 2006 - May 13, 2007 report. MOD (2)(B), EIC B3

Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 106, SubChapter K 106.261(a)(2)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: O-02222, Special Condition 14 OP  
20381, PSD-TX-1005, N-044, SC 1 PERMIT  
O-02222, General Terms and Conditions OP  
PBR Registration 74442 PERMIT

Description: Failed to comply with the Condensate Splitter Heater combined SO2 maximum allowable emission rate ("MAER") of 6.08 lbs/hr. Specifically, on February 2, 2007 from 17:00 through 20:00, the rate varied from 7.16 to 11.33 lbs/hr, on February 21, 2007 at 19:00 was 7.37 lbs/hr, on March 14, 2007 at 20:00 was 6.30 lbs/hr, and April 14, 2007 at 20:00 was 8.68 lbs/hr. MOD (2)(D), EIC A8c.(2)(A)(ii) (Violation incorrectly cited as 106.261(2) in Order.

Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 1267, General Terms and Conditions OP  
1267, Special Condition 27 OP

#### 54026, Special Condition 1 PERMIT

Description: Failed to comply with the South Flare MAER for SO2, H2S, and NOx. Specifically, the MAERs for SO2, H2S, and NOx are 10.66 lbs/hr, 0.12 lbs/hr, and 32.99 lbs/hr, respectively. During the event which lasted one hour 20 minutes, the South Flare released 604.33 lbs of SO2, 6.60 lbs of H2S, and 65.00 lbs of NOx, resulting in unauthorized emissions of 590.12 lbs of SO2, 6.44 lbs of H2S, and 21.01 lbs/NOx. The demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 were not met.

Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(c)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 1267, General Terms and Conditions OP  
1267, Special Condition 2F OP

Description: Failed to submit final reports within two weeks after the end of reportable emissions events. Specifically, the final reports for the emissions events which occurred on August 17 and 29, 2007 should have been submitted by August 31 and September 12, 2007, respectively, but were not submitted until September 7 and 16, 2007, respectively. EIC C(3) MIN(3)(C)

Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)



Rqmt Prov: 1267, General Terms and Conditions OP  
1267, Special Condition 27 OP  
54026, Special Condition 1 PERMIT

Description: Failed to comply with the SO<sub>2</sub> MAER for the North & South Flares on August 17 and 29, 2007. The North Flare (EPN 41NORTHFLR) and South Flare have a total combined rate of 10.66 lbs of SO<sub>2</sub> per hour. NSRP No. 54026 does not allow any emissions from the Sulfur Recovery Unit 3 ("SRU-3") Reactor. During an emissions event that lasted 9 hours and 35 minutes on August 17, the North Flare released a total of 4,138.74 lbs of SO<sub>2</sub>, of which 4,036.62 lbs were unauthorized. EIC A8(c)(2)(A)(ii) MOD(2)(D)

Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)  
30 TAC Chapter 101, SubChapter F 101.201(c)  
5C THSC Chapter 382 382.085(b)

Description: Failed to submit the final report within two weeks after the end of a reportable emissions event and to include the proper authorization limits in the report. Specifically, the final report for the emissions event which occurred on August 1, 2007 should have been submitted by August 15, 2007, but was not submitted until August 20, 2007 and had the wrong H<sub>2</sub>S limit listed.

Effective Date: 11/17/2008 ADMINORDER 2008-0726-AIR-E

Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(A)  
30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

Rqmt Prov: 1267, General Terms and Conditions OP  
1267, Special Condition 2.(F) OP

Description: Failure to report emission events timely.

Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 49743, Special Condition 1 PERMIT

Description: Failure to prevent the release of unauthorized contaminants into the atmosphere.

Effective Date: 03/23/2009 ADMINORDER 2008-1382-AIR-E

Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.146(2)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP

Description: Failure to submit an Annual Compliance Certification (ACC) no later than 30 days after the end of the reporting period.

Effective Date: 04/05/2009 ADMINORDER 2008-0989-AIR-E

Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 54026, SC 5D PERMIT

O-01267, SC 27 OP

Description: Failed to install analyzers which provide a record of the vent stream flow and composition on three flares, North, South, and Middle Flares, Unit Identification Nos. 41NORTHFLR, 53SOUTHFLR, and 41MIDFLARE. Specifically, the Respondent failed to install the analyzers within eighteen months of the permit issuance date of October 8, 2003. The analyzers should have been installed by April 10, 2005. MOD (2)(A) EIC B1

Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)





30 TAC Chapter 122, SubChapter B 122.143(4)

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 56385, SC 3 PERMIT

O-01267, SC 27 OP

Description: Failed to maintain the food-to-microorganisms (F/M) ratio on the Enhanced Biodegradation Unit Aeration Tanks A, B, and C. Specifically, the Respondent failed to maintain the F/M ratio in the range of 0.05 to 1.0 kilograms of Biochemical Oxygen Demand per kilogram of biomass per day from September 1, 2006 through November 21, 2006. MOD (2)(G) EIC B19g.(1)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(b)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 18936 and PSD-TX-762M2, GC 8 PERMIT

O-01267, SC 27 OP

Description: Failed to maintain allowable emissions rates. Specifically, the Respondent exceeded its tons per year limit. The permit limits Tank 589 to 0.31 tons per year ("tpy") of VOC and the Respondent reported emissions of VOCs for Tank 589 to be 0.3312 tpy during 2005. MOD (2)(D) EIC B18

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: 2347, Special Condition 1 PERMIT

2347, Special Condition 3 PERMIT

O-01267, Special Condition 27 OP

Description: Failed to comply with permitted NOx and PM emission limits for the 805 Charge Heater Stack (EPN 51DHT1H-1). Specifically, stack tests conducted on August 21, 2007 recorded emissions of an average of 3.16 lbs/hr of NOx, 0.043 lbs per MMBtu of NOx, and 2.61 lbs/hr of PM. The stack tests conducted on August 24, 2007 recorded emissions of an average of 0.72 lbs/hr of PM. The permitted emission limits for the 805 Charge Heater are 2.52 lbs/hr NOx, 0.47 lbs/hr PM, and 0.035 lbs/MMBtu of NOx.

Effective Date: 07/20/2009

ADMINORDER 2007-0172-AIR-E

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

30 TAC Chapter 101, SubChapter F 101.201(b)(8)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: TOTAL has failed to properly report three emissions events which began on December 9, 2003, at 6:25 p.m. from the SRU 1, Distillate Hydrotreater 2, and Amine Treater. The three incident reports were submitted more than 24 hrs after the discovery of the incidents. In addition, the report for SRU 1, listed an incorrect air permit number for the SRU and North Flare.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(8)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: TOTAL has failed to properly report two emissions events which began on December 9, 2003, at the North and South Flares. The reports for both flares had incorrect air permit numbers on them.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(i)

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 54026 PERMIT

Permit No. 9195A/PSD-TX-453M6 SC 1 PERMIT

Description: TOTAL has failed to prevent unauthorized emissions from the North Flare, South Flare, Distillate Hydrotreater No. 2, SRU 1, and Amine Treater during the time period of December 9, 2003 through December 14, 2003.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

30 TAC Chapter 101, SubChapter F 101.201(b)(10)



5C THC Chapter 382, SubChapter A 382.085(a)

Description: TOTAL has failed to properly report an emissions event that occurred at the Area 1 NAC which began on November 9, 2003. The event was not reported within 24 hrs, and the cause of the event was not complete in the report.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 54026, Special Condition 1 PERMIT

Description: TOTAL has failed to prevent unauthorized emissions from the South Flare on November 9, 2003. During the event at the Area 1 NAC, the Flare Gas Recovery System was down so that emissions were routed to the South Flare which exceeded the maximum allowable emission limits of 32.99 and 10.66 lbs/hr for SO<sub>2</sub> and NO<sub>x</sub>, respectively. During the incident, the South Flare released 6,785.7 lbs of SO<sub>2</sub>, and 169 lbs of NO<sub>x</sub>.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 54026, Special Condition 1 PERMIT

9195A, Special Condition 1 PERMIT

PSD-TX-453M6 PERMIT

Description: TOTAL has failed to prevent unauthorized emissions release from the SCOT Tailgas Incinerator and North Flare on October 16, 2003 when an operator inadvertently closed a fuel gas supply control valve to the SCOT unit. The SCOT Tailgas Incinerator has emissions limits of 38.0 and 1.88 lbs/hr for SO<sub>2</sub> and H<sub>2</sub>S, respectively. During an 8.5 hr period, from noon to 8:30 p.m. the incinerator released 6,735 lbs of SO<sub>2</sub> and 100 lbs of H<sub>2</sub>S. The North Flare has an emission limit of 10.66 lbs/hr for SO<sub>2</sub>. D

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9195A/PSD-TX-453M6 PERMIT

Description: TOTAL has failed to maintain the minimum flame temperature at the SRU Thermal Reactor [EPN F310] when processing sour water stripping gas.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9195A/PSD-TX-453M6, Special Condition 6 PERMIT

Description: TOTAL has failed to maintain a minimum sulfur recovery efficiency of at least 99.9% at SRU I and SRU II on January 14-18, 23, and March 8-10, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 17352, Special Condition 4C PERMIT

Description: TOTAL has failed to replace spent canister media within five days after breakthrough was detected on December 16, 2003, in the three activated carbon canisters in which emissions from tanks 300, 302, 303, and 310-315 are routed through. On December 16, 2003, H<sub>2</sub>S breakthrough was discovered at the canisters. However, the spent media was replaced 6 days later.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 18936/PSD-TX-762M2, Special Condition 8 PERMIT

Description: TOTAL has failed to maintain an emission limit below the maximum allowable concentration for NO<sub>x</sub> and SO<sub>2</sub> at the FCCU flue gas vent (EPN 55RGNFLUGS).

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 43109, Special Condition 3A PERMIT

Description: TOTAL has failed to maintain the NO<sub>x</sub> emission limit below the allowable hourly average for Boilers 300 (EPN 61STKBLR) and 350 (EPN 61STKBLR) during the time period from January 7 to February 28, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)



Rqmt Prov: 46396, Special Condition 5B PERMIT

Description: TOTAL has failed to conduct proper maintenance at the Tank 926 Flare (EPN 22TK926FLR) and the Benzene Tank Flare (EPN 50BZTNKFLR) from January 2003 to April 2004.

Classification: Moderate

Citation: 5C THSC Chapter 382.085(b)

Rqmt Prov: Standard Exemption 106 PERMIT

Description: TOTAL has failed to maintain a firing rate of 63 MMBtu/hr or less at the BTX Heater H-52 on February 3 and 4, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 54026 PERMIT

9195A/PSD-TX-453M6 PERMIT

Description: TOTAL has failed to maintain an emission rate below the maximum allowable emission rates for the Tailgas Thermal Oxidizer (EPN 125) and the North Flare (5) (EPN 41NORTHFLR) on April 28, 2004.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(7)

30 TAC Chapter 101, SubChapter F 101.201(b)(8)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: TOTAL failed to properly report an emissions event which occurred on June 21, 2003.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

5C THC Chapter 382, SubChapter A 382.085(a)

5C THSC Chapter 382.085(b)

Rqmt Prov: Permit No. 18936/PSD-TX-762M2 PERMIT

Description: TOTAL has failed to maintain an emission rate below the maximum allowable emission rate for the South Flare (EPN 142) and to prevent unauthorized emissions from the C-200 Sour Fuel Gas Compressor on June 20-21, 2003.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(7)

30 TAC Chapter 101, SubChapter F 101.201(b)(8)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: TOTAL has failed to properly report an emission event which occurred on February 25-27, 2003.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 18936 and PSD-TX-762M2 PERMIT

Description: TOTAL has failed to maintain an emission rate below the maximum allowable emission rate for the South Flare (EPN 142) during intermittent lifting of the safety relief valve on C-1A&B at the Atmospheric Crude Unit No. 1 from February 25-27, 2003.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: TOTAL has failed to satisfy the final reporting requirements for a reportable emission event which occurred on February 27, 2003.

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)

Description: TOTAL has failed to prevent the unauthorized release of 14.55 lbs of benzene into the atmosphere from a leak in the inlet line to the T-4 Recovery Tower on February 27, 2003.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(7)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: TOTAL has failed to satisfy the final reporting requirements for a reportable emissions event which occurred on May 1-3, 2003.

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)

Description: TOTAL failed to prevent the release of unauthorized benzene emissions from a pinhole leak

on the level bridge of the Depentanizer Overhead Drum on May 1-3, 2003.

Classification: Minor



Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
30 TAC Chapter 101, SubChapter F 101.201(a)(2)(D)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: TOTAL has failed to properly notify the regional office of a reportable emissions event which occurred on July 17, 2003.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
5C THC Chapter 382, SubChapter A 382.085(b)  
5C THSC Chapter 382 382.085(a)

Rqmt Prov: 18936/PSD-TX-762M2 PERMIT

Description: TOTAL has failed to maintain an emission rate below the maximum allowable emission rate for the South Flare (EPN 142) and failed to prevent unauthorized emissions from the Sour Water Stripper 2 line during the emissions event on July 17, 2003.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: TOTAL has failed to properly report an emissions event at Compressor C-301 at the ACU-2 unit which began on December 22, 2003, and ended on December 23, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 54026, Special Condition 1 PERMIT

Description: TOTAL has failed to maintain an emission rate below the maximum allowable emission rates for the North Flare (5) (EPN 41NORTHFLR) on December 22-23, 2003.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(a)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: PSD-TX-453M6, SC 2 PERMIT

Description: TOTAL has failed to comply with the emission limitations at the UNIBON Heater (EPNUNIBH301) and failed to prevent unauthorized emissions at the Area 1 Resid Processing Complex on February 23-26, 2004, when a valve on the startup line between the heater and V-7 was left open.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)  
5C THSC Chapter 382 382.085(b)

Description: TOTAL has failed to properly report an emissions event that occurred at NGL Sphere 848 on March 16-17, 2004.

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)

Description: TOTAL has failed to prevent the unauthorized release of ten lbs of benzene from NGL Shpere 848 on March 16-17, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9193A/PSD-TX-453M6, MAERT PERMIT

Description: TOTAL has failed to maintain an emission rate below the allowable for the North Flare (EPN 307), which is for emergency use only, limiting the amount of emissions to a rate of zero during non-emergency operations - SSM activities, during an emissions event which began on February 8, 2003.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 54026, SC 1 PERMIT

Description: TOTAL has failed to prevent unauthorized emission releases. Two emissions events occurred respectively on July 14 and July 22, 2004, at EPN 41NORTHFLARE, with respective durations of 53.33 and 14.97 hrs, emitting significant quantities of SO2 and H2S.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20





30 TAC Chapter 111, SubChapter A 111.111(a)(4)  
30 TAC Chapter 113, SubChapter C 113.100  
30 TAC Chapter 113, SubChapter C 113.340  
30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 54026, SC 4 PERMIT  
54026, SC 5C PERMIT

Description: TOTAL has failed to properly operate EPN 53SOUTHFLR. During an 18 min time period beginning at 15:45 on July 23, 2004, EPN 53SOUTHFLR smoked for a period of six min and two seconds.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 18936/PSD-TX-762M2 PERMIT

Description: TOTAL has failed to maintain an emission rate below the allowable rate for the South Flare (EPN 142) during an emissions event which started on September 21, 2003.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9193A/PST-TX-453M6 PERMIT

Description: TOTAL has failed to maintain an emission rate below the allowable for the North Flare (EPN 307), which is for emergency use only, limiting the amount of emissions to a rate of zero during non-emergency operations - SSM activities. Two such events began on August 16 and September 21, 2003, respectively.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
30 TAC Chapter 101, SubChapter F 101.201(a)(2)(D)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: TOTAL has failed to properly notify the TCEQ Regional Office within 24 hrs of the reportable emissions events of February 8 - 22, 2003, with respect to EPN 307 and the reportable emission events of September 21, 2003, with respect to EPNs 307 and 142.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.211(b)(8)  
30 TAC Chapter 101, SubChapter F 101.211(b)(9)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: TOTAL has failed to submit a final record containing a compound descriptive type of all individually listed compounds to have been released during SSM activity, their estimated total quantities, and the authorized emissions limits for applicable compounds. Twenty-five incomplete final reports were submitted or missing for emissions event occurring between December 31, 2003, and August 18, 2004. Note that some emissions events had two such reports, one for VOC and one for other emissions.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.211(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: TOTAL has failed to submit a final record no later than two weeks after the end of the scheduled SSM activity. The plant failed to submit a final records as required for an emissions event which began January 30, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 54026, Special Condition 1 PERMIT

Description: TOTAL has failed to maintain an emission rate below the allowable limits. There are 16 emissions events between December 31, 2003, and August 18, 2004, which exceeded the MAERT.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9195A/PSD-TX-453M6, Special Condition 1 PERMIT



Description: TOTAL has failed to maintain an emission rate below the allowable limit on December 31, 2003, when EPN 41NORTHFLR released 27,704.51 lbs of SO<sub>2</sub> for 4.55 hrs in excess of its 4.13 lbs/hr limit; CO, NO<sub>x</sub> and VOC emissions were not reported.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 43109, Special Condition 1 PERMIT

Description: TOTAL has failed to maintain an emission rate below the permitted limit. The SCOT Tailgas Incinerator (EPN 125) had the following unauthorized emission event releases in excess of the MAERT limit of 38 lbs/hr for SO<sub>2</sub> and 1.88 lbs/hr for H<sub>2</sub>S: on May 23, 2004, during a 2 hr and 22 min period, 93.49 lbs of H<sub>2</sub>S and 9,380 lbs of SO<sub>2</sub>.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Air Permit No. 9195A/PSD-TX-453M6 PERMIT

Description: TOTAL has failed to maintain an emission rate below the permitted limit. The SCOT Tailgas Incinerator (EPN 125) had the following unauthorized emission events in excess of the MAERT limit of 38 lb/hr for SO<sub>2</sub> and 1.88 lb/hr for H<sub>2</sub>S: on April 1, 2004, during a 5 hr and 5 min period, 211.65 lb of H<sub>2</sub>S and 21,036 lb of SO<sub>2</sub>.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(D)  
30 TAC Chapter 101, SubChapter F 101.201(b)(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: TOTAL has failed to properly notify the TCEQ Regional Office of the reportable emissions event of August 16 - 17, 2003, on two occasions with respect to EPN 307.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(10)  
30 TAC Chapter 101, SubChapter F 101.201(b)(4)  
30 TAC Chapter 101, SubChapter F 101.201(b)(7)  
30 TAC Chapter 101, SubChapter F 101.201(b)(8)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: TOTAL has failed to properly submit a final record for 24 emission events with respect to common name of area, complete identification and quantification of emitted compounds, or related limits: 10 which began on January 26, February 12, March 26 and 28, and April 11, 21, 22 (two reports), and 28, 2004, respectively; another five reports for emissions events beginning on July 14; and ten other reports for events beginning on July 22, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 18936/PSD-TX-762M2, General Condition 8 PERMIT

Description: TOTAL has failed to prevent unauthorized emission releases. Beginning on January 26, 2004, (EPN) 55RGNFLUGS at the FCCU released 13,491.01 lbs of CO in excess of limits and 12,714.71 lbs of SO<sub>2</sub> in excess of limits, intermittently for 72 hrs during a 356 hr period; no information available on the amount of PM released.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: TOTAL has failed to prevent unauthorized emissions releases. Eleven emissions events occurred between February 12 and July 23, 2004, during which SO<sub>2</sub>, H<sub>2</sub>S, VOCs, CO, and NO<sub>x</sub> from EPNs 41NORTHFLARE, 53SOUTHFLR, or 53MIDFLARE.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Air Permit No. 49743 PERMIT

Description: TOTAL has failed to prevent unauthorized emissions above permitted limits. Specifically, on



October 15, 2004, EPN 22TANK0475 at Tank 475 released approximately 3,358 lbs of VOCs in excess of permitted limits during a 209 hr period.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(7)  
30 TAC Chapter 101, SubChapter F 101.201(b)(8)  
30 TAC Chapter 101, SubChapter F 101.201(c)  
30 TAC Chapter 101, SubChapter F 101.211(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: TOTAL has failed to submit a final record no later than 2 weeks after the end of the emissions event or scheduled activity causing the emissions. 3 final record reports were late: (1) for a scheduled emission event which ended on June 13, 2003, submitted late on July 3, 2003; (2) for the emissions event which started on April 21 and ended on April 22, 2004, submitted on May 11, 2004; and (3) for the emissions event that began on April 28 and ended on April 29, 2004, submitted on May 14, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 18936/PSD-TX-762M2, General Condition 8 PERMIT

Description: TOTAL has failed to prevent unauthorized emission releases. Beginning on June 13, 2003, during a 3 hr 2 min period, the South Flare, EPN 142, released 5,073.07 lbs of SO<sub>2</sub> in excess of the limit of 0.34 lbs/hr.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9195A/PSD-TX453M6, SC 1 PERMIT

Description: TOTAL has failed to maintain an emission rate below the allowable emission limits. Two emissions events occurred at the Tail Gas Thermal Oxidizer (EPN 125): (1) on July 14, 2004, during a 10.76 hr period, 44,784.01 lbs of SO<sub>2</sub> and 469.74 lbs of H<sub>2</sub>S were emitted in excess of limits; (2) on July 23, 2004, for a 12.27 hr duration, 63,673.00 lbs of SO<sub>2</sub> and 672.32 lbs of H<sub>2</sub>S were emitted above limits.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(7)  
30 TAC Chapter 101, SubChapter F 101.201(b)(8)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: TOTAL has failed to completely speciate the VOC emissions in the final reports for emissions events that began on September 16 and October 15, 2004, and to specify the presence and quantity of CO released during an April 22, 2005, emissions event in its final report.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(4)  
30 TAC Chapter 101, SubChapter F 101.201(b)(7)  
30 TAC Chapter 101, SubChapter F 101.201(b)(8)  
30 TAC Chapter 101, SubChapter F 101.211(b)(5)  
30 TAC Chapter 101, SubChapter F 101.211(b)(8)  
30 TAC Chapter 101, SubChapter F 101.211(b)(9)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: TOTAL has failed to include all of the required information in the final reports submitted for the emission event reporting. Specifically, the missing information included failure to identify the Facility Identification Number or the EPN, contain the compound descriptive type, and the estimated total quantities emitted for Incident Numbers: 40432, 41321, 41322, 41324, 41325, 41343, 41344, 41461, 41462, 42608, 42751, 42824, 42922, 42923, 42925, 43572, 45280, 38844, 38845, 38846, 38847, 38848, 39

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
30 TAC Chapter 101, SubChapter F 101.201(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: TOTAL has failed to submit a final report within two weeks if the information differs from the information provided in the initial notification. Specifically a final report was not submitted for Incident No. 40025 within 14 days. Also failed to submit the initial reports within 24 hrs for Incidents 39529 and 39788.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)



30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: 18936/PSD-TX-762M2, General Condition 8 PERMIT  
49743, Maximum Allowable Emission Rates PERMIT  
54026, SPECIAL CONDITION 1 PERMIT  
9195A, PSD-TX-453M6 (SC-1) PERMIT  
PSD-TX-453M6, MAES - Special Condition 2 PERMIT

Description: TOTAL has emitted into the atmosphere unauthorized air contaminants during 15 emissions events.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9195A/PSD-TX-453M6, Special Condition 1 PERMIT  
Permit No. 49743, (SC-1) PERMIT  
Permit No. 54026, (SC-1) PERMIT  
Permit No. 9193A, PSD-TX-453M6, (SC-2) PERMIT

Description: TOTAL has emitted into the atmosphere unauthorized air contaminants during 4 emission events.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 54026 PERMIT

Description: TOTAL has failed to prevent unauthorized emissions above permitted limits during two emissions events. Specifically, beginning on September 16, 2004, EPN 53SOUTHFLR at the Area 1 East End Complex released approx. 254 lbs of H2S and 2,247 lbs of VOC in excess of permitted limits during a 1.08 hr period; beginning on November 14, 2004, EPN 41NORTHFLR at the Area 2 FCCU released approx. 86 lbs of H2S, 1,574 lbs of SO2, and 7964 lbs of VOC in excess of permitted limits during a 20.27 hr period.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)  
30 TAC Chapter 101, SubChapter F 101.201(g)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: TOTAL has failed to electronically submit the final report for the emissions event that began on November 14, 2004, and to notify the TCEQ within 24 hrs of the April 22, 2005, emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 18936/PSD-TX-762M2, General Condition 8 PERMIT

Description: TOTAL has failed to prevent unauthorized emissions above permitted limits. Beginning on April 22, 2005, EPN 55RGNFLGS at the Area 2 FCCU released approximately 377 lbs of NOx in excess of permitted limits during a 7 hr period.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(b)(1)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 18936/PSD-TX-762M2, Special Condition 1A PERMIT  
18936/PSD-TX-762M2, Special Condition 8 PERMIT

Description: TOTAL has failed to maintain the SO2 and NOx concentrations below the maximum allowable limits. FCCU flue gas vent stack's CEMS documented an average hourly SO2 concentration greater than 50 ppm by volume from 2015 to 2115 and from 2200 to 2400 hrs and an average hourly NOx concentration greater than 70 ppm from 0815 to 1115 and from 1145 to 1830 on April 22, 2005.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: TOTAL has failed to notify the Beaumont Regional Office within 24 hrs of a reportable emissions event. The event was discovered on October 31, 2004 at 0919 hrs and was reported on November 1, 2004 at 1132 hrs.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)





30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(b)(1)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 18936/PSD-TX-762M2 PERMIT

18936/PSD-TX-762M2, Special Condition 1A PERMIT

Description: TOTAL has failed to maintain an emission rate below the authorized emission limit. Unauthorized emissions of 7350.56 lbs of SO2 were released from the Wet Gas scrubber on October 31, 2004. Additionally, the SO2 concentration was not maintained below the maximum allowable limit of 50 ppm during the emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 49743 PERMIT

Description: TOTAL has failed to prevent unauthorized VOC emissions of 432 lbs on November 8, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 54026, Special Condition 1 PERMIT

Description: TOTAL has failed to prevent unauthorized emissions of 1648.76 lbs of SO2 during a one hr thirty-six min emissions event which occurred at the South Flare on May 3, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 18936/PSD-TX-762M2 PERMIT

Description: TOTAL has failed to maintain the VOCs emission rate below 7.56 lbs/hr. at the FPM Cooling Tower between May 17, 2005, and December 15, 2005. Cooling tower leaks occurring on May 31, July 20, September 7 - 27, and December 14 - 15, 2005 released 23,267.28, 11,899.72, 11,842 and 18,637.12 lbs of unauthorized VOCs respectively.

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter P 106.371  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: BY RULE 106.371 PERMIT

Description: TOTAL has failed to maintain the VOCs emission rate below 0.07 lbs/hr at the 805 Reformer Cooling Tower from March 15, until March 18, 2005 when unauthorized emissions of 560.8 lbs of benzene, 1062.6 lbs of toluene, and 88.8 lbs of xylene (a total of 1,712.2 lbs of VOCs) occurred.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: NSR Permit No. 54026 PERMIT

Description: TOTAL has failed to prevent unauthorized emissions of 1835.42 lbs of SO2 during a nine hr emissions event which occurred at the Middle Flare (EPN-53 MIDFLARE) on June 19, 2005.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: TOTAL has failed to properly notify the TCEQ Beaumont Regional Office of a reportable emissions event. Specifically, an emissions event began on June 19, 2005 at 11:45 hrs, but was not reported until June 20, 2005 at 15:53 hrs, in excess of the 24 hr reporting requirement.

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter A 106.6(b)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit by Rule, Registration No. 72930 PERMIT

Description: TOTAL has failed to prevent unauthorized emissions from Tank 532 (EPN 22TANK0532) on August 19, 2005 due to an emissions event. Specifically, unauthorized emissions of 66.42 lbs of 1,2,4-Trimethylbenzene, 5.76 lbs of Ethylbenzene, 43.84 lbs of hexane, 4.21 lbs of isopropyl benzene, 172.92 lbs of toluene, 1620.24 lbs of VOC, and 194.61 lbs of xylene were released.

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)



30 TAC Chapter 122, SubChapter B 122.146(1)

30 TAC Chapter 122, SubChapter B 122.165(b)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: O-02222 OP

Description: TOTAL has failed to report the occurrence of deviations in a SDR, failed to submit an ACC, and failed to properly certify a SDR. Specifically, TOTAL failed to properly certify their SDR for the period of May 14, 2005 to November 13, 2005, failed to report a deviation in the November 14, 2005 to May 14, 2006 SDR, and failed to submit an ACC for the period of May 14, 2005 to May 14, 2006.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 54026 PERMIT

Description: TOTAL has failed to prevent unauthorized emissions of 99.28 lbs of H<sub>2</sub>S and 9,078.06 lbs of SO<sub>2</sub> from Unit 835. The permitted limits for H<sub>2</sub>S and SO<sub>2</sub> are 0.12 lbs/hr and 10.66 lbs/hr, respectively. The event occurred on July 17, 2006, and lasted for 5 hrs and 14 mins.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 18963\PSD-TX-762M3, General Condition 8 PERMIT  
O-01267, General Terms and Conditions OP  
O-01267, Special Condition 27 OP

Description: TOTAL has failed to maintain VOCs emissions below the allowable emissions rate. Specifically, 592,311 lbs of unauthorized VOC from the FPM Cooling Tower were released from July 12 through November 27, 2006, due to exchanger leaks within the saturated Liquids and Crude Units.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 54026, Special Condition 1 PERMIT  
O-1267, General Terms & Conditions OP  
O-1267, Special Terms & Conditions 27 OP

Description: TOTAL has failed to prevent unauthorized emissions of 7.35 lbs of H<sub>2</sub>S and 675.88 lbs of SO<sub>2</sub> during a 14.57 hr emissions event which occurred at the South Flare during the startup of Unit 804 on December 29, 2006.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 54026, Special Condition 1 PERMIT  
9195A and PSD-TX-453M6, SC 1 PERMIT  
O-01267, General Terms and Conditions OP  
O-01267, Special Condition 27 OP

Description: TOTAL has failed to prevent unauthorized emissions of 229.98 lbs of H<sub>2</sub>S, 22,144.41 lbs of SO<sub>2</sub>, 352.24 lbs of NO<sub>x</sub>, 666.45 lbs of Carbon Monoxide CO, 19.42 lbs of PM, 30.76 lbs of VOC, and 10.10 lbs of NH<sub>3</sub> from the North and South Flares and the Sulfur Recovery Tail Gas Oxidizer during a 4 hr 40 minute emissions event on November 29, 2006.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 54026, Special Condition 1 PERMIT  
O-01267, General Terms and Conditions OP  
O-01267, Special Condition 27 OP

Description: TOTAL has failed to prevent unauthorized emissions of 13.51 lbs of H<sub>2</sub>S and 1264.68 lbs of SO<sub>2</sub> from the North and South Flares during a 2 hr 42 min emissions event on December 10, 2006.



Effective Date: 10/04/2009

ADMINORDER 2009-0491-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.146(2)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: O-02222 OP

Description: Failure to submit an Annual Compliance Certification (ACC) no later than 30 days after the end of the reporting period. EIC A8 MOD (2)(B) HPV

Effective Date: 10/31/2009

ADMINORDER 2008-0413-AIR-E

Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 54026, Special Conditions 1 PERMIT  
O-01267, Special Condition 26 OP

Description: Failure to maintain an emission rate below the allowable emission limit.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: O-01267, Special Condition 2(F) OP

Description: Failure to properly report an emission event.

Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 56409, Special Condition 1 PERMIT  
O-01267, Special Condition 27 OP

Description: Failure to maintain an emission rate below the allowable emission limit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 20381, Special Condition 1 PERMIT  
O-02222, Special Condition 14 OP

Description: Failure to maintain an emission rate below the allowable emission limit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 9195A, Special Condition 1 PERMIT  
O-01267, General Terms and Conditions OP  
O-01267, Special Condition 26 OP

Description: Failure to maintain an emission rate below the allowable emission limit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 1267, General Terms and Conditions OP  
1267, Special Terms and Conditions 27 OP



49136, General Condition 8 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limit. EIC A8(c)(2)(A)(ii)  
MOD(2)(D)

Effective Date: 03/20/2010

ADMINORDER 2009-1446-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Condition 8 PERMIT

Special Condition 26 OP

Description: Failure to maintain allowable emissions rates.

Effective Date: 07/11/2010

ADMINORDER 2009-1921-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Conditions OP

Special Condition 1 PERMIT

Special Condition 28 OP

Description: Failure to maintain an emission rate below the allowable emission limit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Conditions OP

Special Condition 1 PERMIT

Special Condition 28 OP

Description: Failure to maintain an emission rate below the allowable emission limit. EIC A8c(2)(A)(ii)  
MOD (2)(D)

Effective Date: 08/09/2010

ADMINORDER 2009-2089-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Special Condition 14 OP

Description: Failure to maintain allowable emissions rates. A8c(2)(A)(ii).

Effective Date: 08/30/2010

ADMINORDER 2010-0257-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)





5C THSC Chapter 382.085(b)  
Rqmt Prov: Special Condition 28 OP  
Special Condition PERMIT  
Description: Failure to maintain an emission rate below the allowable emission limit. EIC A8c2(A)(ii) MOD (2)(D)  
Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382.085(b)  
Rqmt Prov: Special Condition 2F OP  
Description: Failure to properly report emission events. EIC C3 MIN (3)(C)

Effective Date: 08/30/2010 ADMINORDER 2006-0561-AIR-E

Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: 20381/PSD-TX-1005/N-044 PERMIT  
O-02222/Special Condition 14 OP  
Description: Failure to maintain the specific heat factors for the Condensate Splitter Heater EPN 40CSPLth-1. Specifically, on June 22, July 11, 22, and 23, August 3, September 20 and 28, and November 8, 2004, the CO heat specific factor of 0.011 pounds per million British Thermal Units ("lbs/MMBtu") per hour was exceeded for a total of 15 hours. Also, on July 10 and 22, 2004, the NOx heat specific factor of 0.08 lbs/MMBtu per hour was exceeded for a total of 22 hours.

Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 122, SubChapter B 122.143(15)  
30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(d)(1)  
5C THSC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: FOP O2222 General Terms and Conditions OP  
O-01267, General Terms and Conditions OP  
O-01267, Special Condition 9A OP  
Description: Failure to include a certificate of accuracy and completeness signed by a responsible official in reports submitted to the ED. Specifically, the following reports were not certified by a responsible official: the 05/14/04 to 11/14/04, and 11/15/04 to 05/14/05, deviation reports for FOP No. 2222; the 05/14/04 to 05/14/05, annual compliance certification for FOP No. 2222; the 11/22/04 to 05/22/05, deviation report for FOP No. 1267; and the CEMS Certification Report submitted 10/28/05.

Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 113, SubChapter C 113.120  
30 TAC Chapter 115, SubChapter B 115.114(a)(2)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: 20381/PSD-TX-1005/N-044 PERMIT  
O-02222/Special Condition 14 OP

Description: Failure to conduct annual seal gap measurements on external floating roof tanks. Specifically, TOTAL failed to conduct the annual seal gap measurements on Tanks 800, 801, and 802 for the period covering May 14, 2004 to May 14, 2005.

Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: 20381/PSD-TX-1005/N-044 PERMIT  
O-02222, Special Condition 14 OP

Description: Failure to comply with the PM and VOC emission rates. Specifically, on February 17 and March 18, 2005, the Plant experienced heater duty exceedances during which the PM and VOC emission



rates limits of 2.32 and 0.57 lb/hr, respectively, were exceeded for the condensate splitter heater EPN 40CSPLth-1.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
30 TAC Chapter 122, SubChapter B 122.146(5)(C)(ii)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to list a rule citation in the November 14, 2004 to May 14, 2005, semiannual deviation report for FOP No. 2222. Specifically, TOTAL failed to list 30 Tex. Admin. Code § 115.114(a)(2) as part of the requirements to physically measure Tanks 800, 801, 802, and 805 for seal gaps on an annual basis. Also, for the November 22, 2004 through May 22, 2005, reporting period TOTAL failed to report deviations for FOP 1267.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 18936/PSD-TX-762M2 PERMIT

Description: Failure to maintain the VOC emission rate at the FPM Cooling Tower. Specifically, due to leakage during a 44 hr, 6 minute period from January 12-14, 2005, the tower released 2,125.93 lbs of VOCs, which is 1,792.5 lbs above permitted limits.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 56382, Special Condition 19B PERMIT

56385, Special Condition 3 PERMIT

O-01267, Special Condition 27 OP

Description: Failure to conduct and record daily calculations of Mixed Liquid Suspended Solids, food-to-microorganism ratios, and residence time. Specifically, records were not created and maintained for Aeration Tanks 403A, 403B, and 403C from November 22, 2004 through May 22, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 5694A, Special Condition 3 PERMIT

O-01267, Special Condition 27 OP

Description: Failure to comply with the fired duty rate at four emission units.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 115, SubChapter B 115.114(a)(2)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(b)(1)(ii)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: O-01267, Special Condition 1A OP

Description: Failure to conduct annual seal gap measurements on external floating roof tanks. Specifically, TOTAL failed to conduct annual seal gap measurements on Tanks 22TANK0503, 67TANK0504, 67TANK0505, 20TANK2001, AND 20TANK2002.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.114(a)(4)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: O-01267, Special Condition 1A OP

Description: Failure to conduct semiannual visual tank seal inspections. Specifically, TOTAL failed to conduct visual inspections between November 22, 2004 and May 22, 2005, on 28 floating roof tanks.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)(i)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 16840/PSD-TX-688M2, Special Condition 2 PERMIT



16840/PSD-TX-688M2, Special Condition 4B PERMIT  
18936/PSD-TX-762M2, Special Condition 7 PERMIT  
18936/PSD-TX-762M2, Special Condition 8 PERMIT  
2347, Special Condition 5 PERMIT  
3615/PSD-TX-058, Special Condition 2 PERMIT  
43109, Special Condition 3A PERMIT  
43109, Special Condition 3B PERMIT  
43109, Special Condition 5 PERMIT  
55684, Special Condition 7 PERMIT  
9194A/PSD-TX-453M6, Special Condition 3 PERMIT  
9195A/PSD-TX-436M6 PERMIT  
O-01267, Special Condition 27 OP

Description: Failure to maintain emission limits in seven emissions areas.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: O-01267, Special Condition 1D OP

Description: Failure to submit a FOP revision application no later than April 11, 2005, to codify 40 C.F.R. ch. 63, subpart UUU, into the permit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 54026, Special Condition 5D PERMIT

54026, Special Condition 6 PERMIT

O-01267, Special Condition 27 OP

Description: Failure to install and operate a continuous flow monitor/analyzer within 18 months (April 8, 2005) of permit issuance on October 2, 2003. Specifically, analyzers had not been installed on the North, Middle, or South flares.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9195A/PSD-TX-453M6, Special Condition 6 PERMIT

O-01267, Special Condition 27 OP

Description: Failure to maintain the minimum sulfur recovery efficiency of the Sulfur Recovery Unit ("SRU"). Specifically, from June 30 until July 5, 2005, the sulfur recovery efficiency at the SRU (SRU 1 and 3) was less than 99.9%.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345(a)(1)(i)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: O-01267, Special Condition 15(a) OP

Description: Failure to conduct annual monitoring of benzene containers. Specifically, TOTAL failed to conduct annual monitoring on vacuum trucks managing benzene waste at the Plant for the period between November 22, 2004 and November 21, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345(b)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: O-01267, Special Condition 15(a) OP

Description: Failure to conduct quarterly visual inspections of benzene containers. Specifically, TOTAL failed to conduct quarterly visual inspections on vacuum trucks managing benzene waste at the Plant during the first three quarters of the period between November 22, 2004 and November 21, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 56385, Special Condition 12L PERMIT

O-01267, Special Condition 27 OP



Description: Failure to conduct quarterly visual inspections of unburied sewer lines. Specifically, TOTAL did not conduct quarterly visual inspections on unburied VOC-bearing sewer lines on the Wastewater Collection and Treatment System between November 22, 2004 and November 21, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 56385, Special Condition 9A PERMIT  
O-01267, Special Condition 27 OP

Description: Failure to conduct daily VOC breakthrough monitoring. Specifically, the Carbon Absorption System (CAS) at the Plant was not monitored on weekends from November 22, 2004 through November 21, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(1)(ii)(B)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: O-01267, Special Condition 15(a) OP

Description: Failure to install a car-seal on the CAS. Specifically, from May 22 to November 21, 2005, the CAS did not have a car-seal or other closure to serve as a flow indicator of bypass conditions.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: O-01267, Special Condition 1A OP

Description: Failure to conduct monthly valve monitoring. Specifically, TOTAL is limited to seven (less than 3%) difficult-to-monitor valves; however, eight valves (3.2%), listed as difficult-to-monitor, out of 243 valves at the 829 Amine Unit, were not monitored on a monthly basis during the first quarter of the November 22, 2004 to November 21, 2005 period.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(c)(6)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.487(c)(2)(vii)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: O-01267, Special Condition 1A OP

Description: Failure to explain and authorize the delay of repair of VOC component leaks in a semiannual report. Specifically, the delay of repair explanation and authorization signature were not submitted for five components at 812-ACU1 in the deviation report for FOP 1267 covering May 22 to November 21, 2005.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(b)(5)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: O-01267, Special Condition 1A OP

Description: Failure to notify the agency 30 days prior to a seal gap test. Specifically, TOTAL failed to notify the TCEQ of TOTAL's intent to conduct a seal gap test on Tanks 22TANK0505, 22TANK0482, and 22TANK0530.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: O-01267, Special Condition 24 OP

Description: Failure to maintain the proper temperature at the Reformer Unit. Specifically, from September 5 to September 7, 2005, the Reformer Unit did not maintain the proper required temperature established by testing.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: O-01267, Special Condition 24 OP

Description: Failure to use an EPA-approved method to identify chlorides. Specifically, on 99 occasions from May 22 until November 21, 2005, TOTAL did not use an EPA-approved method to identify chlorides





on the Catalytic Cracking Regenerator ("CCR") catalyst.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 46396, Special Condition 4 PERMIT  
O-01267, Special Condition 27 OP

Description: Failure to maintain the proper temperature at the Dock Flare 2 Stack. Specifically, on 50 occasions from May 22 to November 21, 2005, the firebox exit temperature was less than 1580 degrees F.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 17920, Special Condition 9A PERMIT  
O-01267, Special Condition 27 OP

Description: Failure to conduct audio, visual, and olfactory (AVO) checks at least once per shift. Specifically, AVO checks for VOC, ammonia, and hydrogen sulfide at the Sour Water Stripper Facility were not conducted from May 22, to July 21, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 2347, Special Condition 8A PERMIT  
O-01267, Special Condition 27 OP

Description: Failure to conduct AVO checks for leaks every four hours. Specifically, AVO checks at the DHT-1 and DHT-2 Units were not conducted from May 22 until July 27, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 9195A/PSD-TX-453M6, SC 5 PERMIT  
O-01267, SC 27 OP

Description: Failure to maintain reactor flame temperature. Specifically, from December 6, 2004 to January 31, 2005, February 13 through 23, 2005, March 18 to April 29, 2005, and May 6 through 23,

2005, the reactor flame temperature of 2200 degrees F (amended on July 7, 2005, to 2114 degrees F) was not maintained at SRU 3.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.120  
30 TAC Chapter 115, SubChapter B 115.114(a)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(a)(2)(i)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: O-01267, Special Condition 1A OP

Description: Failure to conduct visual inspections on internal floating roof tank seals. Specifically, TOTAL failed to conduct annual visual inspections on the roof seals for tanks 22TANK0926, 50TANK0928, 50TANK0929, and 50TANK0930 for the period ending May 22, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.120  
30 TAC Chapter 115, SubChapter B 115.114(a)(2)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(b)(1)(iii)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: O-01267, Special Condition 1A OP

Description: Failure to conduct annual seal gap measurements on external floating roofs. Specifically, TOTAL failed to conduct annual seal gap measurements on 23 tanks for the period ending May 22, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.114(a)(3)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: O-01267, Special Condition 1A OP

Description: Failure to conduct seal gap inspections on external floating roof storage tanks. Specifically,



TOTAL failed to conduct annual seal gap inspections for the period ending May 22, 2005, for tank 22TANK0938.

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.10(d)(5)

5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to submit correct semi-annual reports. Specifically, TOTAL failed to specify in two semi-annual reports from November 22, 2004 to November 21, 2005, whether actions taken during shutdowns, startups, and maintenance (SSM) were performed according to SSM plans.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

|    |            |          |
|----|------------|----------|
| 1  | 09/19/2005 | (440744) |
| 2  | 10/21/2005 | (468272) |
| 3  | 11/04/2005 | (431104) |
| 4  | 11/04/2005 | (435646) |
| 5  | 11/04/2005 | (436336) |
| 6  | 11/15/2005 | (405196) |
| 7  | 11/15/2005 | (434630) |
| 8  | 11/15/2005 | (435255) |
| 9  | 11/15/2005 | (436155) |
| 10 | 11/15/2005 | (436413) |
| 11 | 11/18/2005 | (435774) |
| 12 | 11/18/2005 | (435798) |
| 13 | 11/18/2005 | (435804) |
| 14 | 11/18/2005 | (435866) |
| 15 | 11/21/2005 | (468273) |
| 16 | 12/07/2005 | (435751) |
| 17 | 12/12/2005 | (404612) |
| 18 | 12/15/2005 | (468274) |
| 19 | 01/18/2006 | (449944) |
| 20 | 01/19/2006 | (439503) |
| 21 | 01/19/2006 | (440180) |
| 22 | 01/23/2006 | (468275) |
| 23 | 01/24/2006 | (452104) |
| 24 | 02/06/2006 | (437341) |
| 25 | 02/07/2006 | (450128) |
| 26 | 02/07/2006 | (453479) |
| 27 | 02/13/2006 | (450178) |
| 28 | 02/13/2006 | (450341) |
| 29 | 02/15/2006 | (454193) |
| 30 | 02/21/2006 | (468270) |
| 31 | 02/24/2006 | (450992) |
| 32 | 02/24/2006 | (452413) |
| 33 | 03/21/2006 | (468271) |
| 34 | 04/10/2006 | (454251) |
| 35 | 04/18/2006 | (455136) |
| 36 | 04/21/2006 | (498089) |
| 37 | 04/28/2006 | (462859) |
| 38 | 05/11/2006 | (461924) |
| 39 | 05/11/2006 | (463343) |
| 40 | 05/11/2006 | (464168) |
| 41 | 05/11/2006 | (464460) |
| 42 | 05/11/2006 | (464467) |
| 43 | 05/11/2006 | (464473) |



|     |            |          |
|-----|------------|----------|
| 44  | 05/11/2006 | (465489) |
| 45  | 05/11/2006 | (465492) |
| 46  | 05/11/2006 | (465518) |
| 47  | 05/11/2006 | (465525) |
| 48  | 05/12/2006 | (451451) |
| 49  | 05/12/2006 | (454148) |
| 50  | 05/12/2006 | (454494) |
| 51  | 05/12/2006 | (463148) |
| 52  | 05/22/2006 | (464542) |
| 53  | 05/22/2006 | (498090) |
| 54  | 05/30/2006 | (461199) |
| 55  | 06/14/2006 | (480809) |
| 56  | 06/22/2006 | (498091) |
| 57  | 06/28/2006 | (465850) |
| 58  | 07/21/2006 | (520109) |
| 59  | 07/25/2006 | (482058) |
| 60  | 07/27/2006 | (485194) |
| 61  | 08/23/2006 | (520110) |
| 62  | 08/31/2006 | (460545) |
| 63  | 09/19/2006 | (520111) |
| 64  | 09/22/2006 | (510639) |
| 65  | 10/20/2006 | (544367) |
| 66  | 11/15/2006 | (517804) |
| 67  | 11/22/2006 | (544368) |
| 68  | 12/21/2006 | (544369) |
| 69  | 12/28/2006 | (335708) |
| 70  | 12/29/2006 | (431565) |
| 71  | 01/12/2007 | (531450) |
| 72  | 01/18/2007 | (532164) |
| 73  | 01/23/2007 | (544370) |
| 74  | 01/29/2007 | (531801) |
| 75  | 02/01/2007 | (537518) |
| 76  | 02/01/2007 | (538715) |
| 77  | 02/02/2007 | (497612) |
| 78  | 02/05/2007 | (466788) |
| 79  | 02/14/2007 | (539270) |
| 80  | 02/14/2007 | (540328) |
| 81  | 02/21/2007 | (575101) |
| 82  | 02/23/2007 | (540617) |
| 83  | 03/19/2007 | (538927) |
| 84  | 03/20/2007 | (575102) |
| 85  | 04/09/2007 | (542889) |
| 86  | 04/21/2007 | (540306) |
| 87  | 04/26/2007 | (575103) |
| 88  | 05/17/2007 | (554816) |
| 89  | 05/18/2007 | (554787) |
| 90  | 05/18/2007 | (575104) |
| 91  | 05/21/2007 | (558572) |
| 92  | 06/20/2007 | (575105) |
| 93  | 06/28/2007 | (558540) |
| 94  | 07/10/2007 | (565190) |
| 95  | 07/11/2007 | (542342) |
| 96  | 07/11/2007 | (560069) |
| 97  | 07/20/2007 | (575106) |
| 98  | 07/23/2007 | (567241) |
| 99  | 08/06/2007 | (567736) |
| 100 | 08/14/2007 | (543994) |
| 101 | 08/20/2007 | (601546) |



|     |            |          |
|-----|------------|----------|
| 102 | 08/30/2007 | (564577) |
| 103 | 09/17/2007 | (601547) |
| 104 | 09/26/2007 | (573894) |
| 105 | 10/23/2007 | (619450) |
| 106 | 10/23/2007 | (619453) |
| 107 | 10/26/2007 | (596024) |
| 108 | 11/08/2007 | (594034) |
| 109 | 11/16/2007 | (595084) |
| 110 | 11/20/2007 | (619451) |
| 111 | 11/27/2007 | (594170) |
| 112 | 11/27/2007 | (598818) |
| 113 | 12/10/2007 | (610704) |
| 114 | 12/21/2007 | (594470) |
| 115 | 12/21/2007 | (619452) |
| 116 | 01/16/2008 | (612034) |
| 117 | 01/31/2008 | (613691) |
| 118 | 02/01/2008 | (614929) |
| 119 | 02/06/2008 | (615511) |
| 120 | 02/14/2008 | (679796) |
| 121 | 02/18/2008 | (671960) |
| 122 | 03/03/2008 | (613917) |
| 123 | 03/03/2008 | (616707) |
| 124 | 03/03/2008 | (616879) |
| 125 | 03/03/2008 | (616883) |
| 126 | 03/03/2008 | (617277) |
| 127 | 03/10/2008 | (614708) |
| 128 | 03/14/2008 | (637140) |
| 129 | 03/18/2008 | (671961) |
| 130 | 04/03/2008 | (618981) |
| 131 | 04/03/2008 | (619010) |
| 132 | 04/07/2008 | (638446) |
| 133 | 04/07/2008 | (640577) |
| 134 | 04/09/2008 | (636187) |
| 135 | 04/09/2008 | (637830) |
| 136 | 04/17/2008 | (671962) |
| 137 | 04/24/2008 | (641834) |

|     |            |          |
|-----|------------|----------|
| 138 | 05/08/2008 | (646149) |
| 139 | 05/09/2008 | (654397) |
| 140 | 05/13/2008 | (689880) |
| 141 | 05/14/2008 | (646173) |
| 142 | 05/14/2008 | (646249) |
| 143 | 05/14/2008 | (646292) |
| 144 | 05/23/2008 | (640976) |
| 145 | 05/28/2008 | (679929) |
| 146 | 06/03/2008 | (641229) |
| 147 | 06/03/2008 | (680279) |
| 148 | 06/13/2008 | (653949) |
| 149 | 06/16/2008 | (689881) |
| 150 | 06/18/2008 | (654558) |
| 151 | 06/23/2008 | (433051) |
| 152 | 07/08/2008 | (683932) |
| 153 | 07/09/2008 | (683891) |
| 154 | 07/09/2008 | (689882) |
| 155 | 07/18/2008 | (680236) |
| 156 | 07/20/2008 | (686130) |
| 157 | 07/22/2008 | (686798) |
| 158 | 08/01/2008 | (683847) |
| 159 | 08/02/2008 | (686525) |





|     |            |          |
|-----|------------|----------|
| 160 | 08/08/2008 | (689242) |
| 161 | 08/11/2008 | (710654) |
| 162 | 08/19/2008 | (689537) |
| 163 | 09/26/2008 | (710655) |
| 164 | 10/13/2008 | (710656) |
| 165 | 11/03/2008 | (710657) |
| 166 | 11/25/2008 | (704294) |
| 167 | 11/25/2008 | (707822) |
| 168 | 11/25/2008 | (708173) |
| 169 | 12/08/2008 | (709730) |
| 170 | 12/08/2008 | (709732) |
| 171 | 12/11/2008 | (727425) |
| 172 | 12/15/2008 | (721187) |
| 173 | 12/30/2008 | (707925) |
| 174 | 01/14/2009 | (727426) |
| 175 | 01/15/2009 | (709746) |
| 176 | 01/22/2009 | (683914) |
| 177 | 01/23/2009 | (723990) |
| 178 | 02/11/2009 | (750182) |
| 179 | 02/19/2009 | (724010) |
| 180 | 02/20/2009 | (724769) |
| 181 | 02/20/2009 | (724871) |
| 182 | 02/25/2009 | (722192) |
| 183 | 03/15/2009 | (750183) |
| 184 | 03/25/2009 | (738580) |
| 185 | 04/02/2009 | (741283) |
| 186 | 04/03/2009 | (735828) |
| 187 | 04/08/2009 | (738716) |
| 188 | 04/08/2009 | (750184) |
| 189 | 04/14/2009 | (741430) |
| 190 | 04/23/2009 | (743539) |
| 191 | 05/15/2009 | (768293) |
| 192 | 06/03/2009 | (743882) |
| 193 | 06/10/2009 | (768294) |
| 194 | 06/10/2009 | (768295) |
| 195 | 06/17/2009 | (745434) |
| 196 | 06/19/2009 | (748246) |
| 197 | 07/03/2009 | (746147) |
| 198 | 07/28/2009 | (747611) |
| 199 | 07/28/2009 | (761630) |
| 200 | 07/29/2009 | (762923) |
| 201 | 07/29/2009 | (762945) |
| 202 | 08/17/2009 | (804455) |
| 203 | 08/26/2009 | (781200) |
| 204 | 08/27/2009 | (767640) |
| 205 | 08/31/2009 | (763762) |
| 206 | 08/31/2009 | (764693) |
| 207 | 08/31/2009 | (765166) |
| 208 | 09/09/2009 | (804456) |
| 209 | 09/23/2009 | (766537) |
| 210 | 10/05/2009 | (766803) |
| 211 | 10/05/2009 | (776143) |
| 212 | 10/05/2009 | (776463) |
| 213 | 10/06/2009 | (778427) |
| 214 | 10/13/2009 | (761853) |
| 215 | 10/13/2009 | (766561) |
| 216 | 10/16/2009 | (804457) |
| 217 | 10/19/2009 | (767318) |



|     |            |          |
|-----|------------|----------|
| 218 | 10/23/2009 | (764009) |
| 219 | 11/03/2009 | (780844) |
| 220 | 11/05/2009 | (778036) |
| 221 | 11/10/2009 | (781160) |
| 222 | 11/10/2009 | (781162) |
| 223 | 11/10/2009 | (781165) |
| 224 | 11/18/2009 | (804458) |
| 225 | 11/20/2009 | (766235) |
| 226 | 11/20/2009 | (778703) |
| 227 | 11/24/2009 | (782730) |
| 228 | 12/01/2009 | (781499) |
| 229 | 12/09/2009 | (784593) |
| 230 | 12/14/2009 | (804459) |
| 231 | 12/22/2009 | (785159) |
| 232 | 12/23/2009 | (780115) |
| 233 | 12/23/2009 | (782403) |
| 234 | 12/23/2009 | (784332) |
| 235 | 12/29/2009 | (784896) |
| 236 | 12/29/2009 | (785759) |
| 237 | 01/15/2010 | (804460) |
| 238 | 02/08/2010 | (788346) |
| 239 | 02/09/2010 | (781878) |
| 240 | 02/09/2010 | (787401) |
| 241 | 02/09/2010 | (787561) |
| 242 | 02/09/2010 | (787940) |
| 243 | 02/12/2010 | (804454) |
| 244 | 02/15/2010 | (786380) |
| 245 | 02/15/2010 | (790914) |
| 246 | 02/17/2010 | (791215) |
| 247 | 02/17/2010 | (791423) |
| 248 | 03/10/2010 | (830807) |
| 249 | 03/18/2010 | (792686) |
| 250 | 03/21/2010 | (793295) |
| 251 | 03/23/2010 | (793733) |
| 252 | 03/26/2010 | (795014) |
| 253 | 03/30/2010 | (795174) |
| 254 | 04/12/2010 | (797840) |
| 255 | 04/13/2010 | (797733) |

|     |            |          |
|-----|------------|----------|
| 256 | 04/16/2010 | (798879) |
| 257 | 04/19/2010 | (830808) |
| 258 | 04/26/2010 | (795684) |
| 259 | 05/06/2010 | (796813) |
| 260 | 05/06/2010 | (797393) |
| 261 | 05/10/2010 | (796073) |
| 262 | 05/13/2010 | (785195) |
| 263 | 05/13/2010 | (830809) |
| 264 | 05/28/2010 | (824387) |
| 265 | 06/02/2010 | (803580) |
| 266 | 06/10/2010 | (825551) |
| 267 | 06/10/2010 | (846243) |
| 268 | 06/17/2010 | (803554) |
| 269 | 07/13/2010 | (860839) |
| 270 | 07/26/2010 | (789923) |
| 271 | 08/06/2010 | (829624) |
| 272 | 08/13/2010 | (830163) |
| 273 | 08/13/2010 | (830311) |
| 274 | 09/16/2010 | (864088) |
| 275 | 09/16/2010 | (864360) |



E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 11/30/2005 (468274)  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)  
Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2006 (468270) CN600582399  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)  
Description: Failure to meet the limit for one or more permit parameter

Date: 04/10/2006 (454251) CN600582399  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(4)  
PC, 2g PERMIT

Description: Failure by the permittee to contain contact storm water resulting in an unauthorized discharge.

Self Report? NO Classification: Minor  
Citation: OpR, No. 1 PERMIT

Description: Failure by the permittee to properly operate and maintain all systems of collection, treatment, and disposal.

Self Report? NO Classification: Minor  
Citation: OpR, No. 1 PERMIT

Description: Failure by the permittee to properly operate and maintain all systems of collection, treatment, and disposal.

Date: 05/31/2006 (461199) CN600582399  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)

Description: The facility failed to update the notice of registration

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(4)(A)  
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(4)

Description: Failure to list job titles and job descriptions for each employee handling hazardous waste.

Self Report? NO Classification: Moderate

Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(2)

Description: Containers of waste at the PWTC lab and NOR unit nos. 005, 029 and 030 did not list the date of initial accumulation.

Date: 06/30/2006 (520109)  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: 12/31/2006 (544370)  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: 03/31/2007 (575103)  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)



Description: Failure to meet the limit for one or more permit parameter

Date: 08/30/2007 (571169)

Self Report? NO

Classification: Moderate

Citation: 18936 and PSD-TX-762M2, SC 7 PERMIT  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
O-01267, General Terms and Conditions OP  
O-01267, SC 27 OP

Description: Failure to maintain the 70 parts per million by volume (ppmv) limit for Nitrogen oxides (NOx) on the Fluid Catalytic Cracking Unit (FCCU) Regenerator Stack. MOD (2)(D) EIC B18

Self Report? NO

Classification: Moderate

Citation: 18936 and PSD-TX-762M2, SC 1A PERMIT  
18936 and PSD-TX-762M2, SC 8 PERMIT  
30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(b)(1)  
5C THC Chapter 382, SubChapter D 382.085(b)  
O-01267, General Terms and Conditions OP  
O-01267, SC 27 OP

Description: Failure to maintain the 50 ppmv limit for Sulfur dioxide (SO2) on FCCU Regenerator Stack. MOD (2)(D) EIC B18

Self Report? NO

Classification: Moderate

Citation: 18936 and PSD-TX-762M2, SC 8 PERMIT  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
O-01267, General Terms and Conditions OP  
O-01267, SC 27 OP

Description: Failure to maintain the venturi pressure at its minimum rate. MOD (2)(G) EIC B19g. (1)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
46396, SC 4 PERMIT  
5C THC Chapter 382, SubChapter D 382.085(b)  
O-01267, General Terms and Conditions OP  
O-01267, SC 27 OP

Description: Failure to maintain the minimum temperatures required while loading products at the dock flares. MOD (2)(G) EIC B19g.(1)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
43109, SC 3A and B PERMIT  
5C THC Chapter 382, SubChapter D 382.085(b)  
O-01267, General Terms and Conditions OP  
O-01267, SC 27 OP

Description: Failure to maintain the permitted NOx and CO limits for Package Boilers H-300 and H-350. MOD (2)(D) EIC B18

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
56385, SC 3 PERMIT  
5C THC Chapter 382, SubChapter D 382.085(b)  
O-01267, General Terms and Conditions OP  
O-01267, SC 27 OP

Description: Failure to monitor and record daily the food-to-microorganisms (F/M) ratio, the mixed liquid suspended solids (MLSS) ratio, and a residence time. MOD (2)(A) EIC B1





|              |   |                 |          |
|--------------|---|-----------------|----------|
| Self Report? | NO  | Classification: | Moderate |
| Citation:    | 17352, SC 4C PERMIT<br>30 TAC Chapter 116, SubChapter B 116.115(c)<br>30 TAC Chapter 122, SubChapter B 122.143(4)<br>5C THC Chapter 382, SubChapter D 382.085(b)<br>O-01267, General Terms and Conditions OP<br>O-01267, SC 27 OP   |                 |          |
| Description: | Failure to replace immediately with fresh carbon when carbon breakthrough was indicated by monitoring on canisters. MOD (2)(G) EIC B14  |                 |          |
| Self Report? | NO  | Classification: | Moderate |
| Citation:    | 30 TAC Chapter 101, SubChapter A 101.20(2)<br>30 TAC Chapter 122, SubChapter B 122.143(4)<br>40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345(a)(1)(i)<br>40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345(b)<br>5C THC Chapter 382, SubChapter D 382.085(b)<br>O-01267 SC 15A OP<br>O-01267, General Terms and Conditions OP<br>O-01267, SC 1A OP  |                 |          |
| Description: | Failure to conduct annual no-detectable emissions monitoring and quarterly visual inspections for containers managing benzene wastes. MOD (2)(A) EIC B1   |                 |          |
| Self Report? | NO  | Classification: | Moderate |
| Citation:    | 30 TAC Chapter 116, SubChapter B 116.115(c)<br>30 TAC Chapter 122, SubChapter B 122.143(4)<br>56385, SC 12L PERMIT<br>5C THC Chapter 382, SubChapter D 382.085(b)<br>O-01267, General Terms and Conditions OP<br>O-01267, SC 27 OP  |                 |          |
| Description: | Failure to conduct quarterly visual inspections on unburied sewer lines. MOD (2)(A) EIC B1  |                 |          |
| Self Report? | NO  | Classification: | Minor    |
| Citation:    | 30 TAC Chapter 101, SubChapter A 101.20(1)<br>30 TAC Chapter 113, SubChapter C 113.340<br>30 TAC Chapter 115, SubChapter D 115.352(4)<br>30 TAC Chapter 122, SubChapter B 122.143(4)<br>40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)<br>5C THC Chapter 382, SubChapter D 382.085(b)<br>O-01267, General Terms and Conditions OP<br>O-01267, SC 1A OP<br>O-01267, SC 27 OP  |                 |          |
| Description: | Failure to operate without a cap, blind flange, plug, or a second valve installed on equipment in VOC service. MIN (3)(D) EIC C10   |                 |          |
| Self Report? | NO  | Classification: | Moderate |
| Citation:    | 30 TAC Chapter 116, SubChapter B 116.115(c)<br>30 TAC Chapter 122, SubChapter B 122.143(4)<br>54026, SC 5D PERMIT<br>5C THC Chapter 382, SubChapter D 382.085(b)<br>O-01267, SC 27 OP   |                 |          |
| Description: | Failed to install analyzers which provide a record of the vent stream flow and composition on three flares, North, South, and Middle Flares, Unit Identification Nos. 41NORTHFLR, 53SOUTHFLR, and 41MIDFLARE. Specifically, the Respondent failed to install the analyzers within eighteen months of the permit issuance date of October 8, 2003. The analyzers should have been installed by April 10, 2005. MOD (2)(A) EIC B1 |                 |          |
| Self Report? | NO  | Classification: | Minor    |
| Citation:    | 30 TAC Chapter 122, SubChapter B 122.143(4)<br>5C THC Chapter 382, SubChapter D 382.085(b)<br>O-01267, General Terms and Conditions OP<br><br>O-01267, SC 1D OP   |                 |          |
| Description: | Failure to submit a revision application to codify the requirements in the permit of 40 CFR Part 63, Subpart UUU and 30 TAC 113.780 by April 11, 2005, in FOP O-01267. Min (3)(C), EIC C3   |                 |          |
| Self Report? | NO  | Classification: | Moderate |
| Citation:    | 30 TAC Chapter 116, SubChapter B 116.115(b)<br>30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)<br>30 TAC Chapter 122, SubChapter B 122.143(4)   |                 |          |



5694A, GC 8 PERMIT  
5C THC Chapter 382, SubChapter D 382.085(b)  
O-01267, General Terms and Conditions OP  
O-01267, SC 27 OP

Description: Failure to maintain an allowable emissions rate. MOD (2)(D) EIC B14  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5694A, GC 8 PERMIT  
5C THC Chapter 382, SubChapter D 382.085(b)  
O-01267, General Terms and Conditions OP  
O-01267, SC 27 OP

Description: Failure to maintain an allowable emissions rate. MOD (2)(D) EIC B14  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
8983A, SC 1 PERMIT  
O-01267, General Terms and Conditions OP  
O-01267, SC 27 OP

Description: Failure to maintain an allowable emissions rate. MOD (2)(D) EIC B14  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
56385, SC 3 PERMIT  
5C THC Chapter 382, SubChapter D 382.085(b)  
O-01267, SC 27 OP

Description: Failed to maintain the food-to-microorganisms (F/M) ratio on the Enhanced Biodegradation Unit Aeration Tanks A, B, and C. Specifically, the Respondent failed to maintain the F/M ratio in the range of 0.05 to 1.0 kilograms of Biochemical Oxygen Demand per kilogram of biomass per day from September 1, 2006 through November 21, 2006. MOD (2)(G) EIC B19g.(1)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
9195A and PSD-TX-453M6, SC 5 PERMIT  
O-01267, General Terms and Conditions OP  
O-01267, SC 27 OP

Description: Failure to maintain minimum flame temperatures for four consecutive calendar quarters. MOD (2)(G) EIC B19g.(1)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(C)  
5C THC Chapter 382, SubChapter D 382.085(b)  
O-01267, General Terms and Conditions OP

Description: Failure to submit a SDR no later than 30 days after the end of the November 21, 2005 - May 22, 2006 reporting period. MOD (2)(B) EIC B3  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
30 TAC Chapter 122, SubChapter B 122.146(1)  
30 TAC Chapter 122, SubChapter B 122.146(5)(D)  
5C THC Chapter 382, SubChapter D 382.085(b)  
O-01267, General Terms and Conditions OP

Description: Failure to report the occurrence of deviations in semi-annual deviation reports and accurately certify an annual compliance certification. MOD (2)(B) EIC B3  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
30 TAC Chapter 122, SubChapter B 122.146(1)  
30 TAC Chapter 122, SubChapter B 122.146(5)(D)



5C THC Chapter 382, SubChapter D 382.085(b)  
O-01267, General Terms and Conditions OP

Description: Failure to report the occurrence of deviations in semi-annual deviation reports and accurately certify an annual compliance certification. MOD (2)(B), EIC B3

Self Report? NO Classification: Moderate

Citation: 18936 and PSD-TX-762M2, GC 8 PERMIT  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
O-01267, SC 27 OP

Description: Failed to maintain allowable emissions rates. Specifically, the Respondent exceeded its tons per year limit. The permit limits Tank 589 to 0.31 tons per year ("tpy") of VOC and the Respondent reported emissions of VOCs for Tank 589 to be 0.3312 tpy during 2005. MOD (2)(D) EIC B18

Date: 11/27/2007 (608889) CN600582399

Self Report? NO Classification: Minor

Citation: 20381, PSD-TX-1005, N-004, SC 7E PERMIT  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 113, SubChapter C 113.340  
30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)  
O-02222, General Terms and Conditions OP  
O-02222, Special Condition 14 OP  
O-02222, Special Condition 1A OP

Description: Failure to seal several open-ended lines with a cap, plug, or blind flange. MIN(3)(C), EIC C10

Self Report? NO Classification: Moderate

Citation: 20381, PSD-TX-1005, N-044, SC 12 PERMIT  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)  
O-02222, General Terms and Conditions OP  
O-02222, Special Condition 14 OP

Description: Failure to maintain emission rates below the allowable emission limits. MOD (2)(D), EIC B18

Self Report? NO Classification: Minor

Citation: 20381, PSD-TX-1005, N-044, SC 21 PERMIT  
30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.107(e)  
O-02222, General Terms and Conditions OP  
O-02222, Special Condition 14 OP  
O-02222, Special Condition 1A OP

Description: Failure to submit a report within the required timeframes. MOD (3)(C), EIC C3

Date: 02/14/2008 (679796)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 03/05/2008 (614708) CN600582399

Self Report? NO Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)

Description: Failure to prevent the release of 35 barrels of FAS150 Petroleum Distillate on January 15, 2008 from Storage Tank 317.



Date: 03/14/2008 (614391) CN600582399  
Self Report? NO Classification: Minor  
Citation: 18936 and PSD-TX-762M3 PERMIT  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
O-01267, Special Condition 27 OP  
Description: Failure to submit a stack test report within the required timeframe (60 days after sampling was completed). C3 Minor

Date: 03/31/2008 (671962) CN600582399  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

Date: 05/28/2008 (679929) CN600582399  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)  
OpR 1 PERMIT  
Description: Failure by Total Petrochemical to properly maintain units of conveyance by failing to prevent heavy siltation and debris/trash accumulation in Stormwater Control Structure A.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)  
OpR 1 PERMIT  
Description: Failure by Total Petrochemicals to properly maintain Stormwater Control Structure E, by failing to maintain the underflow weir and unit sidewalls.  
Self Report? NO Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(c)  
PC 2g PERMIT  
Description: Failure by Total Petrochemicals to prevent unauthorized discharge from the facility.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
EL&MR 1, p2c PERMIT  
Description: Failure by Total Petrochemicals to comply with permitted effluent limitations for Total Organic Carbon samples collected from Outfall 004 on 03/09/2008, and 03/10/2008.

Date: 05/31/2008 (689881) CN600582399  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

Date: 06/06/2008 (641229) CN600582399  
Self Report? NO Classification: Minor  
Citation: 2347, Special Condition 10E PERMIT  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
O-01267, Special Condition 27 OP  
Description: Failure to submit stack test report within applicable deadline (60 days after sampling was completed).

Date: 08/19/2008 (689537)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(C)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP





Description: Failure to submit a Semiannual Deviation Report (SDR) no later than 30 days after the end of the reporting period.

Date: 09/30/2008 (710656)

CN600582399

Self Report? YES

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 11/30/2008 (727425)

CN600582399

Self Report? YES

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 01/22/2009 (683914)

CN600582399

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 1 PERMIT  
Special Condition 27 OP  
Special Condition 8 PERMIT

Description: Failure to maintain allowable emissions rates and concentrations.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 1 PERMIT  
Special Condition 27 OP

Description: Failure to maintain allowable emissions rates.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
General Condition 8 PERMIT  
Special Condition 27 OP  
Special Condition 3 PERMIT

Description: Failure to maintain allowable emissions rates and concentrations.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
General Condition 8 PERMIT  
Special Condition 27 OP

Description: Failure to maintain allowable emissions rates.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)(i)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.105(e)(4)(i)  
5C THSC Chapter 382 382.085(b)  
Special Condition 1 PERMIT  
Special Condition 27 OP  
Special Condition 3 PERMIT

Description: Failure to maintain allowable emissions rates and concentrations.



|              |   |                 |          |
|--------------|---|-----------------|----------|
| Self Report? | NO  | Classification: | Moderate |
| Citation:    | 30 TAC Chapter 116, SubChapter B 116.115(b)<br>30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)<br>30 TAC Chapter 122, SubChapter B 122.143(4)<br>5C THSC Chapter 382 382.085(b)<br>General Condition 8 PERMIT<br>Special Condition 27 OP              |                 |          |
| Description: | Failure to maintain allowable emissions rates.  |                 |          |
| Self Report? | NO  | Classification: | Moderate |
| Citation:    | 30 TAC Chapter 116, SubChapter B 116.115(c)<br>30 TAC Chapter 122, SubChapter B 122.143(4)<br>5C THSC Chapter 382 382.085(b)<br>Special Condition 27 OP<br><br>Special Condition 6 PERMIT   |                 |          |
| Description: | Failure to maintain allowable firing rates.   |                 |          |
| Self Report? | NO  | Classification: | Moderate |
| Citation:    | 30 TAC Chapter 116, SubChapter B 116.115(b)<br>30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)<br>30 TAC Chapter 116, SubChapter B 116.115(c)<br>30 TAC Chapter 122, SubChapter B 122.143(4)<br>Special Condition 2 PERMIT<br>Special Condition 27 OP |                 |          |
| Description: | Failure to maintain allowable emissions rates and concentrations.   |                 |          |
| Self Report? | NO  | Classification: | Moderate |
| Citation:    | 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)<br>30 TAC Chapter 116, SubChapter B 116.115(c)<br>30 TAC Chapter 122, SubChapter B 122.143(4)<br>5C THSC Chapter 382 382.085(b)<br>Special Condition 1 PERMIT<br>Special Condition 27 OP              |                 |          |
| Description: | Failure to maintain allowable emissions rates.  |                 |          |
| Self Report? | NO  | Classification: | Moderate |
| Citation:    | 30 TAC Chapter 116, SubChapter B 116.115(c)<br>30 TAC Chapter 122, SubChapter B 122.143(4)<br>5C THSC Chapter 382 382.085(b)<br>Special Condition 27 OP<br>Special Condition 5 PERMIT   |                 |          |
| Description: | Failure to maintain minimum flame temperature of 2200 degrees Fahrenheit.   |                 |          |
| Self Report? | NO  | Classification: | Moderate |
| Citation:    | 30 TAC Chapter 116, SubChapter B 116.115(c)<br>30 TAC Chapter 122, SubChapter B 122.143(4)<br>5C THSC Chapter 382 382.085(b)<br>Special Condition 27 OP<br>Special Condition 9 PERMIT   |                 |          |
| Description: | Failure to maintain operation parameters of scrubber circulation rate, liquid to gas ratio, and venture pressure drop as established in the last satisfactory stack test.   |                 |          |
| Self Report? | NO  | Classification: | Moderate |
| Citation:    | 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)<br>30 TAC Chapter 116, SubChapter B 116.115(c)<br>30 TAC Chapter 122, SubChapter B 122.143(4)<br>5C THSC Chapter 382 382.085(b)<br>Special Condition 1 PERMIT<br>Special Condition 27 OP              |                 |          |
| Description: | Failure to maintain allowable emissions rates.  |                 |          |
| Self Report? | NO  | Classification: | Moderate |
| Citation:    | 30 TAC Chapter 116, SubChapter B 116.115(c)<br>30 TAC Chapter 122, SubChapter B 122.143(4)<br>5C THSC Chapter 382 382.085(b)<br>Special Condition 27 OP<br>Special Condition 4 PERMIT<br>Special Condition 9 PERMIT                                     |                 |          |
| Description: | Failure to maintain a vacuum greater than 1.5 inches of water on the marine vapor control system during loading operations.   |                 |          |
| Self Report? | NO  | Classification: | Moderate |



Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 27 OP  
 Special Condition 5.B PERMIT  
 Description: Failure to conduct proper maintenance on Tank -926 flare and Benzene tanks flare.

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)  
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 General Condition 8 PERMIT  
 Special Condition 27 OP

Description: Failure to maintain allowable emissions rates.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 27 OP

Description: Failure to maintain the content of H2S below 0.1 grains per dry standard cubic foot (gr/dscf).  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 23 PERMIT  
 Special Condition 27 OP

Description: Failure to maintain allowable amine circulation rates.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Permit By Rule (PBR) project 51314 PERMIT  
 Special Condition 27 OP  
 Special Condition 4 PERMIT

Description: Failure to maintain allowable firing rates.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 113, SubChapter C 113.780  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1567(a)(2)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 27 OP  
 Special Condition 3 PERMIT

Description: Failure to maintain proper temperature at the chlorosorb inlet.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 19 PERMIT  
 Special Condition 27 OP

Description: Failure to sample Ammonia from acid gas exiting the waste heat boiler.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 18 PERMIT  
 Special Condition 27 OP

Description: Failed to maintain allowable loading rate for 2-Methylnaphthalene and failed to authorized per 56385, Special Condition 18.  
 Self Report? NO Classification: Moderate



|              |   |                          |
|--------------|---|--------------------------|
| Citation:    | 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)<br>30 TAC Chapter 116, SubChapter B 116.115(c)<br>30 TAC Chapter 122, SubChapter B 122.143(4)<br>5C THSC Chapter 382 382.085(b)<br>Special Condition 1 PERMIT<br>Special Condition 27 OP  |                          |
| Description: | Failure to maintain allowable emissions rates.  |                          |
| Self Report? | NO  | Classification: Moderate |
| Citation:    | 30 TAC Chapter 115, SubChapter B 115.114(a)(4)<br>30 TAC Chapter 122, SubChapter B 122.143(4)<br>5C THSC Chapter 382 382.085(b)<br>Special Condition 1A OP  |                          |
| Description: | Failure to perform visual tank inspections.   |                          |
| Self Report? | NO  | Classification: Moderate |
| Citation:    | 30 TAC Chapter 115, SubChapter B 115.114(a)(1)<br><br>30 TAC Chapter 122, SubChapter B 122.143(4)<br>5C THSC Chapter 382 382.085(b)<br>Special Condition 1A OP  |                          |
| Description: | Failure to perform visual tank inspections.   |                          |
| Self Report? | NO  | Classification: Moderate |
| Citation:    | 30 TAC Chapter 116, SubChapter B 116.110(a)<br>30 TAC Chapter 122, SubChapter B 122.143(4)<br>5C THSC Chapter 382 382.085(b)<br>General Terms and Conditions OP   |                          |
| Description: | Failure to obtain permit authorization for 4 tanks.   |                          |
| Self Report? | NO  | Classification: Moderate |
| Citation:    | 30 TAC Chapter 101, SubChapter A 101.20(1)<br>30 TAC Chapter 101, SubChapter A 101.20(2)<br>30 TAC Chapter 116, SubChapter B 116.115(c)<br>30 TAC Chapter 122, SubChapter B 122.143(4)<br>40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.695(a)(3)(ii)<br>40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(d)<br>5C THSC Chapter 382 382.085(b)<br>Special Condition 13 PERMIT<br>Special Condition 14 PERMIT<br>Special Condition 27 OP   |                          |
| Description: | Failure to replace immediately with fresh carbon when carbon breakthrough was indicated by monitoring.  |                          |
| Self Report? | NO  | Classification: Minor    |
| Citation:    | 30 TAC Chapter 101, SubChapter A 101.20(1)<br>30 TAC Chapter 113, SubChapter C 113.130<br>30 TAC Chapter 113, SubChapter C 113.340<br>30 TAC Chapter 115, SubChapter D 115.352(4)<br>30 TAC Chapter 122, SubChapter B 122.143(4)<br>40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)<br>40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)<br>40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)<br>5C THSC Chapter 382 382.085(b)<br>Special Condition 1A OP |                          |
| Description: | Failure to operate without a cap, blind flange, pug, or a second valve installed on equipment in VOC service.   |                          |
| Self Report? | NO  | Classification: Moderate |
| Citation:    | 30 TAC Chapter 116, SubChapter B 116.115(b)<br>30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)<br>30 TAC Chapter 122, SubChapter B 122.143(4)<br>5C THSC Chapter 382 382.085(b)<br>General Condition 8 PERMIT<br>Special Condition 27 OP  |                          |
| Description: | Failure to maintain allowable emissions rates.  |                          |
| Self Report? | NO  | Classification: Moderate |
| Citation:    | 30 TAC Chapter 116, SubChapter B 116.115(c)<br>30 TAC Chapter 122, SubChapter B 122.143(4)<br>5C THSC Chapter 382 382.085(b)<br>Special Condition 10 PERMIT<br>Special Condition 11 PERMIT<br>Special Condition 27 OP   |                          |





Description: Failure to maintain allowable throughput rates. EIC B18 Repeat and Rolled in.  
MOD (2)(D)

Date: 04/03/2009 (735828)

CN600582399

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(C)  
5C THSC Chapter 382 382.085(b)

Description: Failure to submit a Semiannual Deviation Report (SDR) no later than 30 days after  
the end of the reporting period.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 14 OP  
Special Condition 6 PERMIT

Description: Failure to perform visual tank inspections.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 1 PERMIT  
Special Condition 14 OP

Description: Failure to maintain allowable emissions rates.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 113, SubChapter C 113.340  
30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
5C THSC Chapter 382 382.085(b)  
Special Condition 14 OP  
Special Condition 7E PERMIT

Description: Failure to operate without a cap, blind flange, pug, or a second valve installed on  
equipment in VOC service.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 1 PERMIT  
Special Condition 12 PERMIT  
Special Condition 14 OP

Description: Failure to maintain allowable emissions rates and Heat Specific Factors.

Date: 04/30/2009 (768293)

Self Report? YES

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 06/18/2009 (745434)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.340  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(c)(3)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.464(a)  
5C THSC Chapter 382 382.085(b)  
Special Condition 1A OP



Description: Failure to properly operate Tank 907, an external floating roof storage vessel.

Date: 08/26/2009 (761200)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
General Condition 8 PERMIT  
Special Condition 26 OP

Description: Failure to maintain allowable emissions rates.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
General Condition 8 PERMIT  
Special Condition 26 OP  
Special Condition 3 PERMIT

Description: Failure to maintain allowable emissions rates and concentrations.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
General Condition 8 PERMIT  
Special Condition 26 OP

Description: Failure to maintain allowable emissions rates.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
General Condition 8 PERMIT  
Special Condition 2 PERMIT  
Special Condition 26 OP

Description: Failure to maintain allowable emissions rates and concentrations.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
General Condition 1 PERMIT  
Special Condition 1 PERMIT  
Special Condition 26 OP

Description: Failure to maintain allowable emissions rates and firing rates.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 1 PERMIT  
Special Condition 26 OP

Description: Failure to maintain allowable emissions rates.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
General Condition 8 PERMIT  
Special Condition 26 OP



Special Condition 8 PERMIT

Description: Failure to maintain allowable emissions rates and concentrations. EIC B14 MOD(2)(D)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)  
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 General Condition 8 PERMIT  
 Permit By Rule (PBR) project 51314 PERMIT  
 Special Condition 26 OP  
 Special Condition 4 PERMIT

Description: Failure to maintain allowable emissions rates and firing rates.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)(i)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.105(e)(4)(i)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 1 PERMIT  
 Special Condition 26 OP  
 Special Condition 3 PERMIT

Description: Failure to maintain allowable emissions rates and concentrations.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 26 OP  
 Special Condition 5 PERMIT

Description: Failure to maintain minimum flame temperature of 2200 degrees Fahrenheit for more than 168 hours in four consecutive calendar quarters for SRU-1.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 13B PERMIT  
 Special Condition 26 OP

Description: Failure to maintain operation parameters of scrubber venture pressure drop as established in the last satisfactory stack test.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT UU 60.472(c)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 2 PERMIT  
 Special Condition 26 OP

Description: Failure to comply with an opacity limitation.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter C 113.340  
 30 TAC Chapter 115, SubChapter D 115.352(2)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(1)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 1 PERMIT  
 Special Condition 1D OP  
 Special Condition 26 OP  
 Special Condition 5(I) PERMIT

Description: Failure to repair a leaking fugitive component within 15 days of detection.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter C 113.340  
 30 TAC Chapter 115, SubChapter D 115.352(4)



30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 1D OP

Description: Failure to operate without a cap, blind flange, pug, or a second valve installed on equipment in VOC service.

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 16 C PERMIT  
 Special Condition 26 OP

Description: Failed to maintain allowable loading rate for Benzene.

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 26 OP  
 Special Condition 5 PERMIT

Description: Failure to collect loading vapors from atmospheric tank truck loading facility.

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 26 OP

Description: Failure to authorize the Off Gas Treater (OGT) Cooling Tower for its current service.

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 26 OP  
 Special Condition 4C PERMIT

Description: Failure to Monitor and record stack exhaust temperature.

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Permits 9195A, 16840, and 43109 PERMIT  
 Special Condition 26 OP

Description: Failure to perform Cylinder Gas Audits (CGAs) during the third quarter of 2008 on the Continuous Emissions Monitoring Systems (CEMS) of EPNs 15SRUINCIN, 60COGENSTK, and 61BLRSTCK.

Date: 12/23/2009 (782403) CN600582399

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Permit by Rule (PBR) 74442 PERMIT  
 Special Condition 1 PERMIT  
 Special Condition 12 PERMIT  
 Special Condition 14 ORDER

Description: Failure to maintain allowable emissions rates and Heat Specific Factors.

Date: 12/31/2009 (761853)

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)





5C THSC Chapter 382 382.085(b)  
Special Condition 10 PERMIT  
Special Condition 11 PERMIT  
Special Condition 27 OP  
Description: Failure to maintain allowable throughput rates. EIC B18 Repeat and Rolled in.  
MOD (2)(D)

Date: 01/31/2010 (804454) CN600582399  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

Date: 03/19/2010 (792686) CN600582399  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)  
30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
General Condition 9 PERMIT  
Special Condition 28 OP  
Special Condition 2F OP  
Description: Failure to properly report emission events. EIC C3

Date: 03/31/2010 (830808)  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 04/30/2010 (830809)  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

Date: 07/26/2010 (789923) CN600582399  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 13 PERMIT  
Special Condition 26 OP  
Special Condition 9 PERMIT  
Description: Failure to maintain Venturi pressure drop above the 3 hour rolling average limit  
and the hourly average limit. EIC B19g.(1) MOD (2)(G)

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)  
5C THSC Chapter 382 382.085(b)  
Special Condition 26 OP  
Various Permits PERMIT  
Description: Failure to maintain the content of H2S below 0.1 grains per dry standard cubic  
foot (gr/dscf). EIC B18 MOD(2)(D)

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 26 OP  
Special Condition 3 PERMIT



Description: Failure to maintain allowable emissions rates and concentrations. EIC B14 MOD(2)(D)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)  
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 116, SubChapter B 116.116(a)(1)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 General Condition 1 PERMIT  
 Special Condition 1 PERMIT  
 Special Condition 26 OP

Description: Failure to maintain allowable emissions rates and firing rates. EIC B14 MOD(2)(D)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(d)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 26 OP  
 Special Condition 7B PERMIT

Description: Failure to perform daily calibrations on a Continuous Emissions Monitoring System (CEMS) at EPN 60COGENSTK. EIC C1 MIN (3)(A)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 26 OP  
 Special Condition 3 PERMIT

Description: Failure to monitor a Delay of Repair (DOR) Leak Detection and Repair (LDAR) component to verify a repair within 15 days of the unit being returned to service. EIC B18 MOD (2)(D)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 113, SubChapter C 113.340  
 30 TAC Chapter 115, SubChapter D 115.352(2)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 1A OP

Description: Failure to repair a leaking fugitive component within 15 days of detection. EIC B18 MOD (2)(D)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 113, SubChapter C 113.130  
 30 TAC Chapter 113, SubChapter C 113.340  
 30 TAC Chapter 115, SubChapter D 115.352(4)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 1A OP  
 Special Condition 26 OP  
 Special Condition 5 PERMIT  
 Various Permits PERMIT

Description: Failure to operate without a cap, blind flange, pug, or a second valve installed on equipment in VOC service. EIC C10 MIN (3)(D)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 30 TAC Chapter 116, SubChapter B 116.115(c)



30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Special Condition 1 PERMIT

Special Condition 27 OP

Description: Failure to maintain allowable emissions rates and firing rates. EIC B14 MOD(2)(D)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(1)(C)  
5C THSC Chapter 382 382.085(b)

Description: Failure to submit of the quarterly report required by 40 CFR 61, Subpart BB, for the period of July 1, 2009, through September 30, 2009, in a timely manner. EIC C3 MIN (3)(C)

F. Environmental audits.

11/14/2008

(721343)

Notice of Intent Date:

No DOV Associated

02/13/2009

(740077)

Notice of Intent Date:

Disclosure Date: 08/14/2009

Viol. Classification: Moderate

Citation: 40 CFR Part 61, Subpart FF 61.355(c)(3)

Description: Failure to collect a minimum of three representative samples form each waste stream.

09/08/2009

(776664)

Notice of Intent Date:

No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
TOTAL PETROCHEMICALS USA,  
INC.  
RN102457520

§  
§  
§  
§  
§  
§

BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY

## AGREED ORDER DOCKET NO. 2010-1300-AIR-E

### I. JURISDICTION AND STIPULATIONS

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding TOTAL PETROCHEMICALS USA, INC. ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a petrochemical plant at 7600 32nd Street in Port Arthur, Jefferson County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about July 31, 2010 and August 11, 2010.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.





6. An administrative penalty in the amount of Two Hundred Thirteen Thousand Nine Hundred Seventy-Two Dollars (\$213,972) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Eighty-Five Thousand Five Hundred Eighty-Nine Dollars (\$85,589) of the administrative penalty and Forty-Two Thousand Seven Hundred Ninety-Four Dollars (\$42,794) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Eighty-Five Thousand Five Hundred Eighty-Nine Dollars (\$85,589) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
  - a. Replaced a faulty combustible sensor, physically isolated purge gas, locked and tagged out the control valve, and trained personnel in the modification process flow to prevent exceedances of the permitted hourly emissions rates for carbon monoxide ("CO"), nitrogen oxide ("NOx"), and sulfur dioxide ("SO<sub>2</sub>") on February 5, 2010;
  - b. Modified operating instructions indicating proper control during periods of black burn in order to maintain the proper temperature at the chlorosorb inlet on June 17, 2010;
  - c. In response to Incident No. 139159, repaired the faulty flow meter and trained personnel on June 23, 2010;
  - d. Submitted an administratively complete permit application on August 2, 2010, to amend the current Air Permit Nos. 46396 and PSD-TX-1073, to incorporate Air Permit Nos. 5694A, 18936 and PSD-TX-762M2, 56386, and 56409, in order to raise the maximum allowable rates for volatile organic compounds ("VOCs"), authorize Tank 586 for its current service of Pyrolysis Fuel Oil/Pyrolysis Gas Oil, and raise the throughput rates at Docks 1 and 3;
  - e. Trained personnel on the environmental permit emissions rates and alarm points that operations use to prevent SO<sub>2</sub> emissions rates exceedances at the heaters on September 2, 2010;
  - f. Trained personnel on environmental permit emissions rates at the Sulfur Recovery Unit Incinerator and alarm points that operations use to prevent CO,



hydrogen sulfide ("H<sub>2</sub>S") and SO<sub>2</sub> emissions rates exceedances on September 2, 2010;

- g. Created and modified alarm points to ensure a quicker response time for periods of elevated emissions rates for CO and NO<sub>x</sub> concentrations on September 8, 2010; and
  - h. Revised operating procedures to emphasize the importance of managing CO burn at the Regenerator Flue Gas Post 2000 Post (8) on September 9, 2010.
- 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
  - 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
  - 12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have:

- 1. Failed to comply with the allowable hourly emissions rates, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b), (b)(2)(F) and (c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit ("FOP") O-01267, Special Terms and Conditions ("STC") 28, Air Permit Nos. 2347, 8983A, 9194A and PSD-TX-453M6, 9195A and PSD-TX-453M6, SC 1, Air Permit Nos. 3615 and 5694, General Conditions ("GC") 8, and Air Permit Nos. 9193A and PSD-TX-453M6, Special Conditions ("SC") 2, as documented during an investigation conducted on June 14, 2010. Specifically, from January 1, 2009 through December 31, 2009, the Respondent exceeded the authorized hourly emissions rates for 12 heaters, resulting in the release of 70.6 pounds ("lbs") of SO<sub>2</sub>, as shown below.

| <b>SO<sub>2</sub> Emissions</b><br><b>January 1, 2009 to December 31, 2009</b> |                               |                   |                  |                  |                 |                 |              |
|--|-------------------------------|-------------------|------------------|------------------|-----------------|-----------------|--------------|
| EPN  | Permit No.                    | MAERT<br>(lbs/hr) | Event<br>2 (hrs) | Event<br>3 (hrs) | Avg<br>(lbs/hr) | Max<br>(lbs/hr) | TUA<br>(lbs) |
| 01ACU1H101   | 9194A and<br>PSD-TX-<br>453M6 | 3.90              | 0                | 1                | 4.61            | 4.61            | 0.71         |
| 01VACTH301   | 9194A and<br>PSD-TX-<br>453M6 | 2.82              | 0                | 1                | 3.31            | 3.31            | 0.49         |
| 01ACU1202A   | 3615                          | 4.94              | 0                | 1                | 5.70            | 5.70            | 0.80         |



|                  |                               |       |    |   |       |       |       |
|------------------|-------------------------------|-------|----|---|-------|-------|-------|
| 01ACU1202B       | 3615                          | 4.94  | 0  | 1 | 5.87  | 5.87  | 0.93  |
| 10DEMEXH4        | 8983A                         | 2.15  | 0  | 1 | 3.01  | 3.01  | 0.86  |
| 10DEMEXH2        | 8983A                         | 1.83  | 0  | 1 | 3.20  | 3.20  | 1.37  |
| 17NHTHTRS        | 5694A                         | 3.32  | 1  | 1 | 4.14  | 4.52  | 1.63  |
| 17REFHTRS        | 5694A                         | 11.13 | 12 | 1 | 13.54 | 19.42 | 26.54 |
| 10DEMEXH4        | 8983A                         | 2.15  | 0  | 2 | 2.23  | 2.29  | 0.16  |
| 10DEMEXH2        | 8983A                         | 1.83  | 0  | 2 | 2.04  | 2.07  | 0.41  |
| 13UNIBH301       | 9193A and<br>PSD-TX-<br>453M6 | 2.64  | 0  | 1 | 2.75  | 2.75  | 0.11  |
| 15SRUINCIN       | 9195A and<br>PSD-TX-<br>453M6 | 37.80 | 0  | 2 | 43.71 | 45.88 | 11.81 |
| 17REFHTRS        | 5694A                         | 11.13 | 0  | 2 | 12.74 | 12.88 | 3.21  |
| 01VACTH301       | 9194A and<br>PSD-TX-<br>453M6 | 2.82  | 0  | 2 | 3.58  | 3.90  | 1.52  |
| 01ACU1202A       | 3615                          | 4.94  | 0  | 2 | 5.92  | 6.41  | 1.96  |
| 01ACU1202B       | 3615                          | 4.94  | 0  | 2 | 5.79  | 6.27  | 1.70  |
| 04BTXH-52        | 5694A                         | 1.32  | 1  | 2 | 1.52  | 1.69  | 0.60  |
| 10DEMEXH4        | 8983A                         | 2.15  | 3  | 1 | 2.46  | 3.04  | 1.67  |
| 10DEMEXH2        | 8983A                         | 1.83  | 3  | 0 | 2.19  | 2.64  | 1.53  |
| 17NHTHTRS        | 5694A                         | 3.32  | 1  | 2 | 4.07  | 4.50  | 2.25  |
| 17REFHTRS        | 5694A                         | 11.13 | 1  | 2 | 14.55 | 15.97 | 10.26 |
| 52DHT2H-2<br>A/B | 2347                          | 1.74  | 0  | 1 | 1.82  | 1.82  | 0.08  |

EPN= emissions point number

MAERT= maximum allowable emissions rate table

Max= maximum

hrs - hours

lbs/hr= pounds per hour

Avg= average

TUA= total unauthorized amount

- Failed to comply with the allowable hourly emissions rates, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b), (b)(2)(F) and (c), 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP O-01267, STC 28, Air Permit No. 5694A, GC 8, as documented during an investigation conducted on June 14, 2010. Specifically, from January 29, 2009 to March 10, 2009, on July 7, 2009 and on November 3, 2009, the Respondent exceeded the authorized hourly emissions rates at EPN 17REFHTRS of 15.75 lbs/hr for CO and 14.85 lbs/hr for NOx, resulting in the release of 588.45 lbs of CO and 2.16 lbs of NOx.
- Failed to comply with the allowable hourly emissions rates and concentrations, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b), (b)(2)(F) and (c), 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP O-01267, STC 28, and Air Permit Nos. 16840 and PSD-TX-688M2, SC 2 and GC 8, as documented during an investigation conducted on June 14, 2010. Specifically, the Respondent exceeded the authorized hourly emission rate of 77.26 lbs/hr of CO and the NOx concentrations of 42 parts per million ("ppm") at EPN 60COGENSTK on January 28, 2009, February 6, 2009, August



- 12, 2009 through August 17, 2009, December 7, 15 and 16, 2009, resulting in the release of 182.77 lbs of CO and the average concentration of 88.70 ppm of NOx.
4. Failed to comply with the allowable hourly emissions rates, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP O-01267, STC 28, and Air Permit No. 56385, SC 1, as documented during an investigation conducted on June 14, 2010. Specifically, on February 5 and 16, 2009, during daily monitoring of the carbon canister breakthrough the Respondent exceeded the authorized hourly emissions rate of 0.01 lbs/hr of VOCs at EPN 67TNK0660CC resulting in the release of 0.96 lbs of VOCs for 48 hours.
  5. Failed to comply with the allowable hourly emissions rates and concentrations, in violation of 30 TEX. ADMIN. CODE §§ 101.20(1) and (3), 116.115(b)(2)(F) and (c), and 122.143(4), 40 CODE OF FEDERAL REGULATIONS ("CFR") § 60.104(a)(2)(i) and 60.105(e)(4)(i), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP O-01267, STC 28, Air Permit Nos. 9195A and PSD-TX-453M6, SC 1 and 3, as documented during an investigation conducted on June 14, 2010. Specifically, on May 9, 2009 to November 20, 2009, the Respondent exceeded the hourly emissions rate of 40.37 lbs/hr of CO, 1.06 lbs/hr of H<sub>2</sub>S, and 37.88 lbs/hr of SO<sub>2</sub> at the Sulfur Recovery Tail Gas Thermal Oxidizer, EPN 15RUINCIN, resulting in the release of 254.1 lbs of CO, 2.39 lbs of H<sub>2</sub>S, 87.5 lbs of SO<sub>2</sub>, and the average SO<sub>2</sub> concentration of 602 ppm.
  6. Failed to comply with the allowable hourly emissions rates and concentrations, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b), (b)(2)(F) and (c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP O-01267, STC 28, and Air Permit Nos. 18936 and PSD-TX-762M3, SC 8, as documented during an investigation conducted on June 14, 2010. Specifically, on July 8, 2009 and December 8, 2009, the Respondent exceeded the authorized hourly emission rate of 143.69 lbs/hr of CO and CO concentration of 500 ppm at the Regenerator Flue Gas Post 2000 Project (8), EPN 55RGNFLUGS, resulting in the release of 219.72 lbs of CO and the average CO concentration of 619.9 ppm.
  7. Failed to maintain the proper temperature at the chlorosorb inlet, in violation of 30 Tex. ADMIN. CODE §§ 113.780, 116.115(c), and 122.143(4), 40 CFR § 63.1567(a)(2), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP O-01267, STC 28, and Air Permit No. 5694A, SC 3, as documented during an investigation conducted on June 14, 2010. Specifically, the maximum temperature of 366.6 degrees Fahrenheit was exceeded in the chlorosorb inlet by 4.05 degrees Fahrenheit on September 15, 2009, and 1.72 degrees Fahrenheit on September 13, 2009.
  8. Failed to comply with the annual allowable emission rates, in violation of 30 TEX. ADMIN. CODE §§ 106.6, 116.115(b) and (b)(2)(F), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP O-01267, STC 28, Air Permit Nos. 5694A and 18936 and PSD-TX-762M2, GC 8, Air Permit Nos. 46396 and PSD-TX-1073, 56385, and 56409, SC 1, as documented during an investigation conducted on June 14, 2010. Specifically, from January 1, 2008 to December 31, 2008, the Respondent exceeded the authorized annual VOC emissions rate by a total of 9.2 tons per year ("tpy") for 14 tanks. From January 1, 2009 through December 31, 2009, the Respondent exceeded the authorized annual VOC emissions rate by a total of 11.1 tpy for 14 tanks, as shown below.





| <b>VOC MAERT tpy limits at 14 Tanks<br/>January 1, 2008, to December 31, 2008</b> |                                     |                |                         |
|---|-------------------------------------|----------------|-------------------------|
| EPN   | Permit No. Or Permit<br>by Rule No. | MAERT<br>(tpy) | 2008 Emissions<br>(tpy) |
| 04TANK0941  | 5694A                               | 0.30           | 0.4293                  |
| 04TANK0946  | 5694A                               | 0.39           | 0.5079                  |
| 22TANK0502  | 56409                               | 2.73           | 3.44                    |
| 22TANK0503  | 56386                               | 0.05           | 0.5185                  |
| 22TANK0525  | 46396                               | 0.72           | 0.7644                  |
| 22TANK0588  | 46396                               | 0.18           | 0.4134                  |
| 22TANK0910  | 46396                               | 0.72           | 3.0037                  |
| 22TANK0939  | 46396                               | 3.27           | 3.3778                  |
| 45TANK0474  | 56386                               | 0.06           | 0.9554                  |
| 67TANK0504  | 56386                               | 0.03           | 0.3807                  |
| 67TANK0505  | 56386                               | 0.05           | 2.4774                  |
| 67TANK0595  | 56386                               | 0.02           | 0.4183                  |
| 67TANK0596  | 56386                               | 0.02           | 0.6412                  |
| 67TANK0905  | 56386                               | 0.01           | 0.4421                  |

VOC = volatile organic compound  
MAERT = Maximum Allowable Emissions Rate Table

tpy = tons per year  
EPN = Emissions point number

| <b>VOC MAERT tpy limits at 14 Tanks<br/>January 1, 2009, to December 31, 2009</b> |                                     |                |                         |
|---|-------------------------------------|----------------|-------------------------|
| EPN   | Permit No. Or Permit<br>by Rule No. | MAERT<br>(tpy) | 2009 Emissions<br>(tpy) |
| 04TANK0941  | 5694A                               | 0.03           | 0.5210                  |
| 04TANK0946  | 5694A                               | 0.39           | 0.36557                 |
| 22TANK0502  | 46396                               | 2.73           | 3.3168                  |
| 22TANK0503  | 56386                               | 0.05           | 1.0674                  |
| 22TANK0522  | 46396                               | 0.28           | 0.4442                  |
| 22TANK0586  | 46396                               | 0.63           | 0.6398                  |
| 22TANK0919  | 46396                               | 0.92           | 2.4891                  |
| 22TANK0920  | 46396                               | 0.85           | 1.8569                  |
| 67TANK0505  | 56386                               | 0.05           | 3.3159                  |
| 22TANK0545  | 46396                               | 0.40           | 1.8983                  |
| 22TANK0563  | 18936 and PSD-TX-<br>762M2          | 3.21           | 3.5029                  |
| 22TANK0572  | 46396                               | 0.32           | 0.3854                  |
| 22TANK0902  | 46396                               | 2.90           | 4.0184                  |
| 22TK926FLR  | 46396                               | 0.01           | 0.0141                  |

9. Failed to authorize Tank 586, EPN 22TANK0586, for current service, in violation of 30 TEX. ADMIN. CODE §§ 116.110(a), 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP O-01267, STC 28 and Air Permit No. 49743, SC 4, as documented during an investigation conducted on June 14, 2010. Specifically, for the period of July 1, 2009 through September 30, 2009, Tank 586 was authorized for Asphalt/Asphalt



Blendstock, but not authorized for its current service of Pyrolysis Fuel Oil/Pyrolysis Gas Oil.

10. Failed to load within the allowable annual throughput rates at Dock Nos. 1 and 3, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP O-01267, STC 28, and Air Permit Nos. 46396 and PSD-TX-1073, SC 18 and 19, (previously SC 10), as documented during an investigation conducted on June 14, 2010. Specifically, the Respondent exceeded the annual throughput rates in 2006 by 36%, in 2007 by 44%, and in 2008 by 46%.
11. Failed to prevent unauthorized emissions on May 1, 2010, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP O-01267, SC 28, and Air Permit No. 54026, SC 1, as documented during an investigation conducted on May 27, 2010. Specifically, Incident No. 139159, resulted from the Respondent failing to close the nitrogen purge valves at the start-up of compressor C-200A. Since the gas flow meter was faulty and did not register any excess flow, the North and South Flares released a total of 9.04 lbs of H<sub>2</sub>S and 1,711.50 of SO<sub>2</sub> for four hours and four minutes. Since this emissions event could have been prevented by better operational and/or maintenance practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

### III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: TOTAL PETROCHEMICALS USA, INC., Docket No. 2010-1300-AIR-E" to:  
  
Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088
2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Eighty-Five Thousand Five Hundred Eighty-Nine Dollars (\$85,589) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the



conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.

3. It is further ordered that the Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the date of this Agreed Order, initiate an engineering study to evaluate the carbon canister system operation, and implement measures designed to control VOC hourly and annual emissions rates exceedances;
  - b. Within 45 days after the effective date of this Agreed Order, submit certification of compliance for Ordering Provision No. 3.a., as described in Ordering Provision No. 3.d.;
  - c. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit application for Air Permit Nos. 46396 and PSD-TX-1073 within 30 days after the date of such requests, or by other deadline specified in writing; and
  - d. Within 180 days after the effective date of this Agreed Order, submit written certification that either proper authorization has been obtained and the changes are sufficient to demonstrate compliance with the violations addressed or that operation has ceased until such time that appropriate authorization is obtained. The certification shall be notarized by a State of Texas Notary Public and include the following language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Air Section, Manager  
Beaumont Regional Office  
Texas Commission on Environmental Quality  
3870 Eastex Freeway  
Beaumont, Texas 77703-1892



4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.





## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

  
\_\_\_\_\_  
For the Executive Director

5/27/2011  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
\_\_\_\_\_  
Signature

24 January 2011  
Date

Darrell Jacob

Refinery Manager

\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
TOTAL PETROCHEMICALS USA, INC.

\_\_\_\_\_  
Title

- **Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph i of this Agreed Order.



**Attachment A**  
**Docket Number: 2010-1300-AIR-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

|                               |   |
|-------------------------------|---|
| <b>The Respondent:</b>        | <b>TOTAL PETROCHEMICALS USA, INC.</b>   |
| <b>Penalty Amount:</b>        | <b>One Hundred Seventy-One Thousand One Hundred Seventy-Eight Dollars (\$171,178)</b> |
| <b>SEP Offset Amount:</b>     | <b>Eighty-Five Thousand Five Hundred Eighty-Nine Dollars (\$85,589)</b>               |
| <b>Type of SEP:</b>           | <b>Pre-approved SEP</b>   |
| <b>Third-Party Recipient:</b> | <b>Southeast Texas Regional Planning Commission</b>                                   |
| <b>Project Name:</b>          | <b><i>Meteorological and Air Monitoring Network</i></b>                               |
| <b>Location of SEP:</b>       | <b>Jefferson County</b>   |

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP offset amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

a. Project

The Respondent shall contribute the SEP offset amount to the Third-Party Recipient named above. The contribution will be to the **Southeast Texas Regional Planning Commission** to be used for the *Meteorological and Air Monitoring Network* as set forth in an agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to operate, maintain, and potentially expand the existing Southeast Texas Regional Air Monitoring Network which includes nine monitoring stations currently at the following locations:

1. Beaumont CAM#2
2. Cove School CAM #C695
3. Mauriceville CAM#642
4. Port Arthur (Motiva) Industrial Site CAM #C628
5. Port Arthur Memorial High School campus CAM #C689
6. Port Neches CAM #136
7. Sabine Pass CAM #C640
8. Southeast Texas Regional Airport CAM #C643
9. West Orange CAM #C9

The pollutants currently monitored at each station are identified in Table 1.1 of the agreement between the Third-Party Recipient and the TCEQ. Additional parameters or monitoring sites may, contingent upon available funding and approval of TCEQ, be



added. Operation and maintenance of the ambient air monitoring stations includes canister sampling and gas chromatographs. Ancillary equipment includes sample conditioning systems, meteorological towers, climate controlled equipment shelters, a remote communications system, and electronic data logging capability. Ambient monitoring protocols have been and will continue to conform to applicable TCEQ or U.S. Environmental Protection Agency guidelines.

A TCEQ-approved Quality Assurance Project Plan containing all applicable EPA QA-R5 elements shall be maintained. Analysis of all data collected from these sites will comply with Standard Operating Procedures for the analysis and measurement of Volatile Organic Compounds in Ambient Air. The laboratory data generated by this project will be from a TCEQ accredited laboratory in compliance with state laws and rules regarding use of certified or accredited testing laboratories. For example, the Third-Party Recipient must comply with 30 Texas Administrative Code, Chapter 25, Subchapter A, relating to Environmental Testing Laboratory Accreditation and Certification, as amended.

The SEP Offset Amount will be used to purchase equipment (such as automated canister samplers), hardware, software, and licenses to enable the monitoring, and for the cost of operating, maintaining, and periodically upgrading or adding to these air monitoring stations along with ancillary equipment approved by TCEQ. The data will be validated and sent to TCEQ's Leading Environmental Analysis and Display (LEADS) system. All costs associated with the collection, transfer, and formatting of these data to be compatible with the LEADS system is the responsibility of the Third-Party Recipient. No portion of the SEP Offset Amount will be used for administrative costs or salaries of the Third-Party Recipient. The Third-Party Recipient may use contractors to perform the monitoring project, subject to special conditions concerning costs.

The project will be administered in accordance with federal, state, and local environmental laws and regulations. The Respondent certifies that there is no prior commitment to make this contribution and that it is being performed solely in an effort to settle this enforcement action.

b. Environmental Benefit

Particulate matter (PM), sulfides (SO, SO<sub>2</sub>), oxides of nitrogen (NO<sub>x</sub>), volatile organic carbon (VOC) compounds, and ambient air conditions are measured at the stations and the data are made accessible to TCEQ and the public. Sites may also provide continuous assessment of benzene, 1, 3-butadiene and styrene. This monitoring was not previously covered by existing ambient air monitoring systems. The data is shared with the Texas Commission on Environmental Quality, industry, and the public at [http://www.tceq.state.tx.us/cgi-bin/compliance/monops/site\\_info.pl](http://www.tceq.state.tx.us/cgi-bin/compliance/monops/site_info.pl).

Continued monitoring in this area of the community will help better understand air quality pollutants and will enable better identification of emission sources. The data will focus on specific chemicals that may raise air quality concerns.



c. Minimum Expenditure

The Respondent shall contribute at least the SEP offset amount to the Third-Party Recipient and comply with all other provisions of this SEP.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent shall contribute the SEP offset amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Southeast Texas Regional Planning Commission  
Bob Dickinson, Director Transportation and Environmental Resources  
Attention: SEP  
South East Texas Regional Planning Commission  
2210 Eastex Freeway, Beaumont, TX 77703

**3. Records and Reporting**

Concurrent with the payment of the SEP offset amount, the Respondent shall provide the Enforcement Division SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP offset amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division  
Attention: SEP Coordinator, MC 219  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**4. Failure to Fully Perform**

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Offset Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP offset amount.





TOTAL PETROCHEMICALS USA, INC.  
Agreed Order – Attachment A

In the event of incomplete performance, the Respondent shall submit a check for any remaining amount due made payable to "Texas Commission on Environmental Quality" with the notation "SEP Refund" and the docket number of the case, and shall send it to:

Litigation Division  
Attention: SEP Coordinator, MC 175  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

## **5. Publicity**

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

## **6. Clean Texas Program**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

## **7. Other SEPs by TCEQ or Other Agencies**

The SEP identified in this Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

